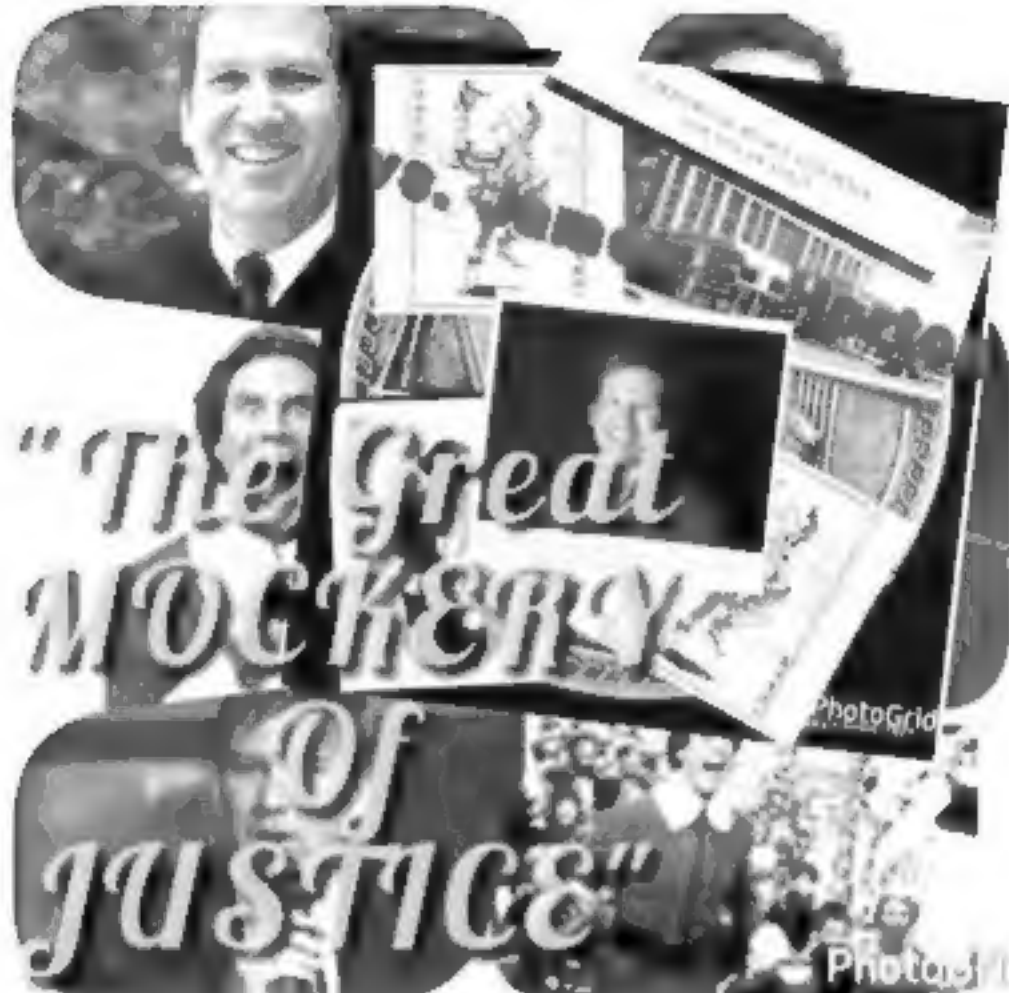




Institute of BBOIP (Bible-Based-  
Original Intent Platform)  
Administration of Jacob (James E.  
Horton), Sole-Practicing Executive  
Officer by Divine, Vocational Calling  
In The Lord Jesus Christ



JCTF vs County of Yolo et al.



UNDER CONSTRUCTION  
(EMERGENCY DELIVERY SERVICE

(FROM "THE GREAT MOCKERY OF JUSTICE") PAGE}.



C urrently, in Preparation [(only by Jacob (James E. Horton), Pro se, In forma pauperis, while conspiratorially caused to be indigent with sabotage by RICO mail theft under general, illegal Restraints of Fundamenatal Rights of Due process and Liberty by illegal surveillance Misconduct,

including illegal electronic with pernicious, malicious Interference, (my typing of this is being severely frustrated by right now by malicious, remote-terminal interference) and other various Obstructions by Abuses of Process, as Extraordinary Circumstances, Sole-Practicing — NOT BY ANY LOOPTANK COUNTERFEITING RACKETEERS]:

"A Petition for Extraordinary Relief can be filed when there is no other plain, speedy and adequate remedy available to a person. It can be on grounds involving: wrongful restraint on personal liberty; wrongful use of public or corporate authority; wrongful use of judicial authority, and the failure to exercise such authority. Extraordinary relief is usually granted in form of writs. Certiorari, Habeas Corpus, Mandamus and Prohibition are a few examples of extraordinary writs"

(<https://definitions.uslegal.com/p/petition-for-extraordinary-relief/>).

#### EXTRAORDINARY REMEDY:

"This is the remedy that tries to make relief possible that won't ordinarily be obtained in ordinary action of the court"(<https://thelawdictionary.org/extraordinary-remedy/>).

**APPEAL OF THE STATE OF CALIFORNIA, THIRD A**

	)	Superior Court No.
	)	15-6705, 13-3628, 1
Petitioner,	)	
	)	Court of Appeal No.
	)	_____
	)	PETITION FOR WRIT

<https://archive.org/details/c-084025-op-petition-ptw-horton>



JCTF vs. County f Yolo etal Appndcs2C084025  
Ptttn4Wrt0Mndt1Jndr0Ccss4ExtrdnryRlf

**Viewable files (4)**

COMMONLAW MOTION TO DISMISS...  
SPEEDY TRIAL DUE PROCESS AND FAIR  
TRIAL.pdf

MOTION  
SPEEDY TRIAL DISMISS 15-6705.pdf

Petition Writ Mandate 15-6705.pdf

motion to vacate.pdf

ORNIA

OTION

Petition Writ Mandate 15-6705.pdf

motion to vacate.pdf

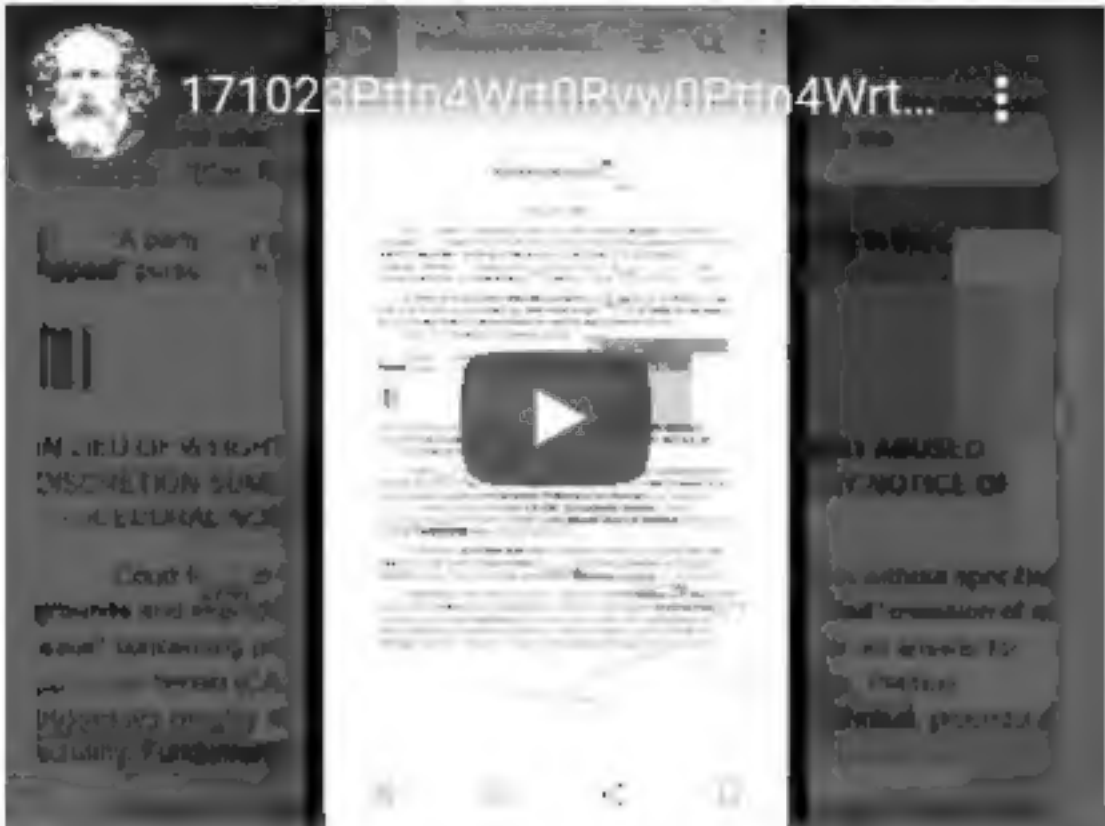
OTION 7  
AL OF  
E PROO

<https://archive.org/details/commonlaw-motion-to-dismiss...-speedy-trial-due-process-and-fair-trial>

JCTF vs. County f Yolo etal Appndcs2C084025


Ptt4Wrt0MndtlJndr0Css4ExtrdnryRlf

Appendices attached to C084025 Petition  
for Writ of Mandate and Joinder of Cases  
for Extraordinary Relief



**-FAITHFUL**  
**Casefile Record**  
**("The Great**  
**Mockery of**  
**Justice" Cases)**  
**Salvaged after**

# Salvaged after Thefts and Tamperings from Recovery

 Case Smmry Rprts JCTF Vs Yolo Cnty Et Al



Viewable files (5)

2



13-23865 CASE SUMMARY REPORT  
(1).pdf



13-23865 CASE SUMMARY REPORT.pdf



13-3628 CASE SUMMARY REPORT  
(1).pdf



14-1219 CASE SUMMARY REPORT  
(1).pdf



14-4497 CASE SUMMARY REPORT  
(1).pdf

ING UNIT

INIZANCE

<https://archive.org/details/case-smmry-rprts-jctf-vs-yolo-cnty-et-al>

Progress was Time Consuming, delaying so file to

Process was Time-Consuming, delaying re-file to Supreme Court (necessitated by previous time-waste damages caused by theft of hardcopies recovered, many without filestamp, but many are filestamped copies as filed (such as transcripts and Petition for Writ of Mandate above to Appellant Court), from digital storage, filemanaged and organize to archive and remotely stored for access and retrieval. Necessity caused even more damages of time-waste and delay by the Criminal Misconduct in Conspiracy while law of laches at Common Law applies, in interest of Justice in Equity considering aforesaid.

[08232021 -Mlcs§ IntrsnNote: MshrmWlgs  
Grammar typos ... And just escalated...]



# README

SEE .ZIP FILE: WHOLE CASE  
HISTORY ARCHIVED AT FILE  
TRANSFER INTERFACE LINKS.

IN MIDDLE OF PAGE BELOW:

JCTFVSCNTY0YOLOETAL  
WRKPRDCTBYRL.ZIP

<https://archive.org/details/jctfvs-cnty-0-yolo-et-al-wrkprdtby-rl>

HISTORY OF REPEATED MAIL  
AND (RECORD THEFTS IN RICO  
CONSPIRACY TO OBSTRUCT  
DELIVERY OF PETITION FOR  
WRIT OF REVIEW TO SUPREME  
COURT OF CALIFORNIA

[20210825MlcsIntrfrncLog]CTF

Obstrct2TruflngSprmCrtClfrnaRgstr]

08252021 apprx. 12:30 PM: Ostructions to registering for Truefiling account, to refile Petition for Writ of Review; ... by Illegal Electronic Espionage, under Warrantless invalidly, General Surveillance misusing and Abusing means, Obstructive to Due Process Procedure Fundamental Rights Maliciously; Interference of any entered password to obstruct process — Abuse of Process tampering means probably enroute of ip traffic by Looptank Conspirators obsessive (Brian Warner profusing loudspoken parol evidence confessing simultaneously by harassments of Looptank Manifest Phenomena, in collusion with Personality Identities: Robert Horton from N.Y., Offcr. Wilson and Roger Murton, Semeryk, General Adjutant of CA (In reaction retaliatory to mention in Complaint to SACPD LA and chief mltpl rcpt. in process not yet

chief mltppl rcpt. in process not yet delivered by involvement in Illegal, Unconstitutional Illegal Abuse of Srvllnc means hacking, Dan Lisa Laurie Hauser biological cousins disowned as culprits of vampire interested

OccltzorgnzdCrmSaturation of FBI with paternal Dave and Gary Horton with Bushes and Horton oil tycoon relatives in Texas, etc... Oh... Kelly Deal just reminded me of herself, "see he never includes me because Um protected by the devil..."

[TmWstDlayNote08252021: Severe time-waste delay damages caused to multiple immediate priority matters of bboip in process with current overburdening necessary tasks since exigent harassments: JCTF vs. SADHA, SHDN104736662; Cease and Desist letter, with Restraining Order petitions to local court and mass Criminal Information cc to SACPD IA and Chief and multiple recipients and US DOJ; Quash of

“Trespass Notice” (sic) collateral to JCTF vs. SACPD and Starbucks with incidents of Report 21-201451 at Starbucks Freeport; ID Recovery; and more etc... All during delays by process obstructions depriving Rights...



210825LptnkHrssmnt Appndx220210825MlcsIntrfrncLog  
JCTF Obstrect2TruflngSprmCrtClfrnaRgstr

20210825Mles Intrfnc Log JCTF Obstret 2 Trufing

Sprm Crt Clfma Rgstr

3.truefiling.com register

<https://archive.org/details/20210825-mles-intrfnc-log-jctf-obstret-2-trufing-sprm-crt-clfma-rgstr>

20171026Rcrd0JCTFvsCnty0Yolo

Pri0Pstg0Ptt4Wrt0RvwSprmCrt0Clfma10262017

10262017USPSTrckng.pdf

Wrt0frvwEmailrqstPS

Wrt0frvwEmailrqst.pdf

Wrt0frvwRcpts.pdf



20171026Rcrd0JCTFvsCnty0Yolo



Prf0Pstg0Ptt4Wrt0RvwSprmCrt0Clfma10262017



Viewable files (4)



10262017USPSTrckng.pdf



WritofrvwEmailrqstPS.



WritofrvwEmailrqst.pdf



WritofrvwRepts.pdf



20171026Rcrd0JCTFvsCnty0Yolo

Prf0Pstg0Ptt4Wrt0RvwSprmCrt0Clfma10262017

20171026 Record of JCTF vs. County of Yolo et al. Proof of Postage for service and filing by mail: Petition for Writ of Review to Supreme Court of California on 10262017.

Subsequently: Court claimed nondelivery. Mail intercepted and stolen enroute in RICO Conspiracy per past assertions obstructing Due Process...

<https://archive.org/details/10262017-uspstrckng>



[https://archive.org/details/200211-crmnl-cmplnt-ltr-2-fbicvlnd-fld-offc-strk-cnty-crt-0-cmmn-pls-rcrd-tmpr\\_20210810](https://archive.org/details/200211-crmnl-cmplnt-ltr-2-fbicvlnd-fld-offc-strk-cnty-crt-0-cmmn-pls-rcrd-tmpr_20210810)

2020CrmnlCmplntCrrspndnc RICO MlTmprThft

2020 Criminal Complaint Correspondence of RICO Mail Tampering and theft by mafia saturation of F.B.I. and U.S. Postal Service, all maliciously prejudiced by inaction ignoring.

20200214 Crmnl Cmplnt 2 Fbi Ic 3 Rprt Frm Wbpg Strk Cnty Crt 0 Cmmn Pls Rcrd Tmpr 1 RICO 02142020 Rescn

Viewable files (2)

20200214CrmnlCmplnt2Fbic3RprtFrm Wbpg StrkCntyCrt0CmmnPls RcrdTmpr1RICO02142020 Rescn.pdf

20200305CrmnlCmplntLtr2FBIbyUPS SgntrRqrdTrckng RcrdTmprRICO1MlFrdThft WthOutTrckngVrfctn03052020.pdf

<https://archive.org/details/20200214-crmnl-cmplnt-2-fbi-ic-3-rprt-frm-wbpg->





201027A

dvtdcm...



201027A VCrrspndno



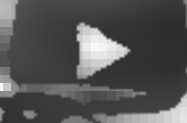
201027AVCrrspndncAffdvtD2S...



201027AVCrrspndncAffdvtD2S...



201027AVCrrspndncAffdvtD2S...



201027AVCrspnj



Petition Wrt Rvw draft



Viewable files (13)



01SUPERIOR COURT OF THE STATE OF CALIFORNIA.html.pdf



USPSTrckngPttmWrtRvw10262021.pdf



01SUPERIOR COURT OF THE STATE OF CALIFORNIA.html.pdf



PETITION04052016.html.pdf



PcktHbsCrps.pdf

PetitionWrtRvw draft

01SUPERIOR COURT OF THE STATE OF CALIFORNIA.html.pdf

STAY OF  
SUPPORT  
PRIORITIES

AL OF RI  
CA PC14  
ior Court



**CAUTION**

**CUIDADO**

\* HISTORY (INEXHAUSTIVE SAMPLE) OF DEFENDANT PARTIES'S PATTERN: 1. FABRICATE FALSELY ISSUED WARRANTS, 2. FALSE ARREST, IN MALICE INTENT TO HARASS CASEWORK, DISRUPTING, BY ILLEGAL RESTRAINTS, ON FABRICATED AND FALSE WARRANTS, IN CONSPIRACY TO COMMIT UNCONSTITUTIONAL VIOLATIONS AGAINST PLAINTIFF, JACOB (JAMES E. HORTON):



JCTF Vs. Cnty O Yolo 2016 Nymbr Smpl 0 Citations  
3 Arrests On Fls Warrants 1 Hmg 4 Cnt 09192016

Birth Date: 06/11/1976

Arresting Agency Case #: 16-622



JCTF Vs. Cnty 0 Yolo 2016 Nvmbr Smpl 0 Citations  
3 Arrests On Fls Warrants 1 Hrng 4 Css 09192016



Arresting Agency Case #: 16-622



Department

Booking Date: 11/09/2016

Time: 9:30 AM

Department

by Superior Court

Telephone

Woodland, CA 95695

<https://archive.org/details/jctf-vs.-cnty-0-yolo-2016-nvmbr-smpl-0-citations-3-arrests-on-fls-warrants-1-hrng-4-css-09192016>

JCTF Vs. Cnty 0 Yolo 2016 Nvmbr Smpl 0  
Citations 3 Arrests On Fls Warrants 1 Hrng  
4 Css 09192016

JCTF vs. County of Yolo 2016 November Sample of  
Citation Arrests on Falsely-issued warrant in RICO

Conspiracy pattern of False prosecution and Abuse of the Criminal Justice System by Abuse of Process scheduling multiple cases for each hearing at issue in single matters for single cases to claim "No Show" when refusing my hearing at mass docket schedule dates for harassment with multiple arrests to disrupt and harass case preparation work self-representing.

This sample records: 3 Arrests for one hearing in November of 2016, near Thanksgiving holiday, per motus operandum criminal aforesaid.

## "MEMORANDUM OF POINTS AND AUTHORITIES STATEMENT OF FACTS...

202014, per request of Public Defender granted in error, said case was accrued to dockets of "trailing" cases as aforementioned (contrary to Petitioner's stated desires for defense). Case is still pending, "trailing" also neglected.

" Anomalous procedure motioned for aforesaid grossly prejudiced Petitioner prima-facie. By such gross abuses of discretion. Due Process has been grossly denied. Petitioner expressed contrary desires during very few, inadequate consultations with counsel. Furthermore, although cases subsequent were repeatedly vacated,

although cases subsequent were repeatedly vacated (unspoken) as "trailing," still records (Minute Sheets and Case Summary Reports) falsely reflect "Matter Heard" for hearings in each severally. Thereby, cases have compounded together to Overburden simultaneously. Above also constitutes extreme Abuse of Legal Process violating petitioner's Speedy Trial and Fair Trial Rights. Repeatedly (both to counsel in meeting and in open court), he has raised discrepancy about these acts of Procedural Misconduct and Harassment. Continually, he has been prejudicially ignored on issue. Court has responded only incrementally more and more Malicious and Retaliatory.

. During pendencies, Court obligated Petitioner to attend total of 45 pretrial hearings and 3 days of Trial for which sentence hearing and judgement are delayed. The trial is not concluded. Hearings have resulted in a long train of blatant prejudicial denials flying in the face of Constitutional Rights.

Since commencement, Prititioner successfully raised issues of substantial conflict due to ineffective counsel (completely adverse to adequate defense violating attorney-client privilege and Attorney's Oath) and right to waive counsel. Therefore, court granted right to self-represent in all case during oral hearing on 12072015

upon reasoning above herein. Need for competent counsel necessitated assertion of right — Petitioner is law trained.

A case: 14-4497 initiated by Woodland Police Department alleging violation of PC § 415(1). Facts are that a Corporal baited Petitioner by blocking entrance to Police Station retaliating against his intent to acquire a citizen's complaint form concerning prior misconduct. Said case was dismissed upon motion to dismiss (of Petitioner, Pro Se) and for lack of sufficient evidence on 01272016. As a result, Petitioner cause for civil action... • Actually, proceedings since 06222016 constituted "Mistrial." At continued trial readiness on 06152016, Petitioner, again, requested continuance (with showing of cause and merit) in lieu of inordinate, untimely delay (by Appellate Department) of decisions upon his Petition for Writ of Mandate and Request for Stay therein. In response, Judge Maguire: 1) vacated conference until 06172016; 2) then, ordered parties to "file papers" (and by vacated date of 06172016) informing Appellate Department concerning delays as above. Thereby, only less than two days

were given for motion practice, per order, with disregard for statutory procedure at issue (reasonable deadlines). On 06172016, prior to hearing, Petitioner (being procedurally overburdened unfairly) filed an ANSWER TO RESPONDENT'S REPLY BRIEF addressing, as order, issue of said delays. (Please refer to Appendix F(3).)

At continued hearing on 06172016, Judge Maguire informed of denial of stay and set jury selection to begin 06222016. Court prejudicially denied his motions for mistrial. Petitioner (at least) twice orally moved for mistrial upon above facts; he motioned on same date, in open court (06172016), and then during evidentiary procedure hearing (06222016). Judge reasoned, in part, that he only accepts motions in writing (and during oral argument proceedings).

- Post further gross abuses of discretion occurring between 06152016 and 06172016, trial wrongfully proceeded on

06222016. Several Due

Process violations occurred during trial. Just three examples are as follows:

- During voir-dire selection on 06232016, Supervisor of Woodland Police Department's Detective Unit was detected in jury box. Said presence of Officer (Agent of Party in Interest) evidenced intent to collude and conspire in acts of tampering and/or unduly coercing the jury – evidence of a "tainted" jury.
- During fact-trying, prosecution based its case solely upon non-corroborated, unproven accusation of one accuser. Evidence presented (by prosecution) included: 1. Fabricated facts testified by informant as first witness [being incompetent, irrelevant to charge, inconsistent and contradictory and thus challenged by Petitioner's motion to impeach on the record, and during cross-examination] (Black's Law Dictionary 409 Abridged 6th edition 1991),

2. Electronic audio recording of dispatch call – the initial accusation – reported by said first

witness

(which included audible background of Petitioner,

from a distance, orating about the false report

while departing).

3. Second and last witness, Officer Guthrie of the

Woodland Police Department testified that he did

not witness incident at scene of complaint while

further parol testimony only evidenced that

Petitioner had departed scene of incident without

Fighting.

Yet, jury reached wrongful verdict of "guilty" and

Petitioner was wrongfully convicted of violation of PC ss

415.

Furthermore, trial, to this date, is still incomplete. Court is delaying sentencing,

hence judgement, egregiously inordinate. Jury decision and verdict on 06242016

has

been last trial decision thus far. Judge, on

more data, continued sentencing phase.

same date, continued sentencing phase until 06292016. Therefore, under such "Extraordinary Circumstances"

(specifically

with respect to delayed sentencing and judgement in bad-faith), Petitioner, on 06282016, filed Motion to Vacate

Judgement arguing following headed points: CASE

IS STILL PENDING UPON

INORDINATELY DELAYED DECISION ON

(PETITIONER'S) PETITION FOR WRIT OF MANDATE, and that FAIR TRIAL.

PREJUDICIALLY HARMED BY UNDUE INFLUENCE UPON JURY. (Please refer

to

Appendix F(5).)

- On 06292016, at continued sentencing hearing, Maguire

(conspicuously) retaliated maliciously

against my most recent motion and with motive and intent to preemptively

obstruct Post-Trial and succeeding causes for

civil actions. On the record, the hearing was completely one-sided –

Obstructionist.

Petitioner appeared prepared to orate in

Petitioner appeared prepared to orate in support and in defense on issues relevant to

sentencing by statute; He attempted to raise and then asserted to raise them.

Maguire blatantly denied Due Process precluding right to speak. Continually, he interrupted attempts to assert right for hearing on matter. Furthermore, he reversed

accused Petitioner overbearingly insisting he not "interrupt." Maguire also

forbade right to state objections during an Unconstitutional, ex-parte "presentation" by the

District Attorney's Office.

Court acted to unjustly Duress Petitioner to accept settlement offer for a

nonstatutory, Unconstitutional alternate to sentencing. Judge opened with

prosecution. A Christopher Bulkley,

Deputy District Attorney appeared present

- not prosecutor on record in the case and during trial (Fritz Van Der Hoek).

Bulkeley gave improper, prepared presentation

endorsing (on record) a newly conceived "program" – the "Diversionary Homeless Program." Accordingly, Petitioner would be Coerced to concede to Admission of Guilt, progress through stages of a thought-control program, accept "Incompetent to Stand Trial" status and controlled, free housing for indefinite period of time (when I am not even native to this state or county). Since I rejected said offer stating it to be unconstitutional on the record, Maguire persisted to Maliciously Retaliate with Gross Abuse of Discretion. Bulkeley reiterated intent to Maliciously Raise Doubt about Competence to Stand Trial! Maguire threatened (even Blackmailed) with Prejudice in Sentencing Phase – an excessive, maximum jail term (upon wrongful conviction while refusing to hear Petitioner on issues at hand for which he came prepared) as ultimatum to offer – an alternate to statutory punishments diverting Post-Trial Due Process. He Vindictively revoked Right to Self-Represent during sentencing and appointed Public Defender for counsel in error. Court specified revocation to be "... ON THIS CASE ONLY FOR SENTENCING." (Please see Appendix F(1)(c).) Judge

verbally confirmed, per

Petitioner's inquiry in open court, Petitioner otherwise remains Pro-Se in all cases.

As reasoning, Maguire rationalized malicious prejudice against Petitioner's

aggressive defense as behavior indicating mental incompetence. He argued

oversimply: Petitioner's rejection of said counsel was believed by himself to be

"irrational." Furthermore, Respondent refused to permit objections to Unconstitutional

Acts of "forcing a lawyer" upon a defendant while fully aware of Irreconcilable.

Substantial Conflict with same counsel, Court continued sentencing until 07132016.

Petitioner filed Faretta motion on 07112016. (Please see Appendix F(6).)

• On 07132016, Judge Maguire, in Department 10, was occupied by

another incomplete trial and was unavailable. Upon appearing, Petitioner was

informed by Bailiff that court transferred hearing to Department 9, Traffic Court

before Judge J. Beronio in lieu of the overburden to "the time and resources of the

court. Therefore, due to complications of case, the court then continued sentencing

until 07272016 at 1000 in Department 10.

• On 07272016, Petitioner appeared at 1000 for

continued sentencing

hearing. Judge Maguire blatantly obstructed Due

Process refusing to hear Petitioner

upon issues for which he came prepared. Court claimed

"FAILURE TO APPEAR" as

reflected within minutes and case summary reports, yet

maliciously granted prosecution's oral motion to charge

with Contempt for "(mis)behavior in court." Post

judge's communicated refusal (at the bench) to hear

Petitioner, and on record, he

grossly Abused Legal Process issuing bench warrant.

Court delivered Minute Sheet

reflecting that a warrant review hearing was set for

08242016. Date was already

overburdened with hearings scheduled on

compounded matters: vacated

sentencing, oral argument upon Faretta motion, and

neglected matters in all other

cases, etc.

- Date for case 15-6705 concurrently with case 14-1219

has been set for

2. Meanwhile, continued "trailing" date for case 13-3628

concurrently with

13-23865 has been set, separated from others, for

02212017. Scheduling occurred

as result of 2 separate false arrests upon 4 false bench

warrants by Woodland Police

Department on 11/5/2016 and 11/21/2016.

Petitioner holds issued warrants constituted gross abuse of discretion and

malicious Abuse of Legal Process on following grounds:

1. Although absent in

Respondent court on 08/24/2016, Petitioner was circumstantially unable to appear. He

was occupied with procedure of serving Petition for Extraordinary Writ and while

indigent, without adequate transportation and distant.

2. Petitioner requested stay of

proceedings within Petition aforesaid. 3. Hearing date on 08/24/2016 was set for

multiplicity of matters in all cases simultaneously being continued since 07/27/2016.

Colluding public officials exploited anomalous "trailing" procedure to harass

Petitioner with multiplication of warrants and arrests upon single hearing. Petitioner

was, during this time, constantly active preparing for sentencing and motion practice.

Frivolous restraints disrupted his abilities to prepare and practice. (Please refer to

Appendix F(8).)

• On 08/19/2016, Petitioner filed Petitioner for Writ of Habeas Corpus in Court of

Appeals – Third District.

• On 11/09/2016, Officer of Woodland Police Department

• On 11/09/2016, Officer of Woodland Police Department frivolously stopped and questioned Petitioner. He arrested upon single bench warrant for case: 15-6705.

During booking, Yolo County Sherriff's Department, and on same date, also scheduled hearing for case: 14-1219 concurrently prior to release.

• On 11/21/2016, two officers of Woodland Police Department approached Petitioner traversing sidewalk in Woodland. One officer abruptly and informally inquired of Petitioner for his name. Petitioner questioned concerning Reasonable Suspicion and officer responded that they were not stopping – "only saying hello."

Petitioner continued traversing.

Within minutes thereafter, hundreds of feet away, Officers approached in separate squad cars with lights on and detained without Reasonable Suspicion upon an incident. They communicated: 1. Immediately after discovering name questioned for, they inexplicably initiated contact with the West Sacramento Police Department concerning outstanding warrants alleged to be issued by same agency, and 2. They quickly discovered two

warrants alleged to be issued by nonlocal agency for failures

to appear in cases 13-3628 and 13-23865 when records of did not retrieve in their

local databases. Officers arrested. They refused Petitioner's desperate pleas for his

possessions meanly to be collected and booked into property release despite

explanation that they included his case documents, work-product and law resources.

Officers refused exculpatory information respective to the clearing of warrants upon

recent arrest on 11/09/2016. During booking, Yolo County Sherriff's Department

originally processed both cases aforesaid setting date of 02/21/2017 for both as if

joindered. Prior to release, agency then redacted processing for case: 13-23865

On 11/21/2016, Petitioner administratively addressed procedural default

effecting remainder of outstanding warrant for arrest over one hearing. As sheriff set

date by citation for case 13-23865 concurrent with case 13-3628 on 02/21/2016 at

0930 in Department L...

initial accusation – reported by said first witness (which included audible background of Petitioner, from a distance, orating about the false report while departing).

3. Second and last witness, Officer Guthrie of the Woodland Police Department testified that he did not witness incident at scene of complaint while further parol testimony only evidenced that Petitioner had departed scene of incident without Fighting.

Yet, jury reached wrongful verdict of "guilty" and Petitioner was wrongfully convicted of violation of PC

88

415.

Furthermore, trial, to this date, is still incomplete. Court is delaying sentencing.

Hence judgement, egregiously inordinate. Jury decision and verdict on 06242016 has

been last trial decision thusfar. Judge, on same date, continued sentencing phase

until 06292016. Therefore, under such "Extraordinary Circumstances" (specifically

with respect to delayed sentencing and judgement in bad-faith). Petitioner, on

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  5. conceived "program" – the "Diversionary Homeless Program." Accordingly.
  6. Petitioner would be Coerced to concede to Admission of Guilt, progress
  7. through stages of a thought-control program, accept "Incompetent to Stand
  8. Trial" status and controlled, free housing for indefinite period of time (when I
  9. am not even native to this state or county).
  10. Since I rejected said offer stating it to be unconstitutional on the record,
  11. Maguire persisted to Maliciously Retaliate with Gross Abuse of Discretion. Bulkeley
  12. reiterated intent to Maliciously Raise Doubt about Competence to Stand Trial!

13. Maguire threatened (even Blackmailed) with Prejudice in Sentencing Phase – an
14. excessive, maximum jail term (upon wrongful conviction while refusing to hear
15. Petitioner on issues at hand for which he came prepared) as ultimatum to offer – an
16. alternate to statutory punishments diverting Post-Trial Due Process. He Vindictively
17. revoked Right to Self-Represent during sentencing and appointed Public Defender
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22. aggressive defense as behavior indicating mental incompetence. He argued
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26. Substantial Conflict with same counsel. Court  
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29. another incomplete trial and was unavailable. Upon  
appearing, Petitioner was

30. informed by Bailiff that court transferred hearing to  
Department 9, Traffic Court

31. before Judge J. Beronio in lieu of the overburden to  
"the time and resources of the

32. court. Therefore, due to complications of case, the  
court then continued sentencing

33. until 07272016 at 1000 in Department 10.

34. • On 07272016, Petitioner appeared at 1000 for  
continued sentencing

35. hearing. Judge Maguire blatantly obstructed Due  
Process refusing to hear Petitioner

36. upon issues for which he came prepared. Court  
claimed "FAILURE TO APPEAR" as

37. reflected within minutes and case summary reports,  
yet maliciously granted prosecution's oral motion to

charge with Contempt for "(mis)behavior in court."

Post

38. judge's communicated refusal (at the bench) to hear  
Petitioner, and on record, he
39. grossly Abused Legal Process issuing bench warrant.  
Court delivered Minute Sheet
40. reflecting that a warrant review hearing was set for  
08212016. Date was already
41. overburdened with hearings scheduled on  
compounded matters: vacated
42. sentencing, oral argument upon Faretta motion, and  
neglected matters in all other
43. cases, etc.
44. • Date for case 15-6705 concurrently with case 14-1219  
has been set for
45. Meanwhile, continued "trailing" date for case 13-3628  
concurrently with
46. 13-23865 has been set, separated from others, for  
02212017. Scheduling occurred
47. as result of 2 separate false arrests upon 4 false bench  
warrants by Woodland Police
48. Department on 11152016 and 11212016.
49. Petitioner holds issued warrants constituted gross  
abuse of discretion and
50. malicious Abuse of Legal Process on following

grounds: 1. Although absent in

51. Respondent court on 08242016, Petitioner was  
circumstantially unable to appear. He

52. was occupied with procedure of serving Petition for  
Extraordinary Writ and while

53. indigent, without adequate transportation and distant,  
2. Petitioner requested stay of

54. proceedings within Petition aforesaid. 3. Hearing date  
on 08242016 was set for

55. multiplicity of matters in all cases simultaneously  
being continued since 07272016.

56. Colluding public officials exploited anomalous  
"trailing" procedure to harass

57. Petitioner with multiplication of warrants and arrests  
upon single hearing. Petitioner

58. was, during this time, constantly active preparing for  
sentencing and motion practice.

59. Frivolous restraints disrupted his abilities to prepare  
and practice. (Please refer to

60. Appendix F(8).)

61. • On 08192016, Petitioner filed Petitioner for Writ of  
Habeas Corpus in Court of

62. Appeals – Third District.

63. • On 11092016, Officer of Woodland Police Department  
frivolously stopped and

34. questioned Petitioner. He arrested upon single bench  
warrant for case: 15-6705.

35. During booking, Yolo County Sherriff's Department,  
and on same date, also

36. scheduled hearing for case: 14-1219 concurrently  
prior to release.

37. • On 11/21/2016, two officers of Woodland Police  
Department approached

38. Petitioner traversing sidewalk in Woodland. One  
officer abruptly and informally

39. inquired of Petitioner for his name. Petitioner  
questioned concerning Reasonable

40. Suspicion and officer responded that they were not  
stopping - "only saying hello."

41. Petitioner continued traversing.

42. Within minutes thereafter, hundreds of feet away,  
Officers approached in

43. separate squad cars with lights on and detained  
without Reasonable Suspicion upon

44. an incident. They communicated: 1. Immediately after  
discovering name questioned

45. for, they inexplicably initiated contact with the West  
Sacramento Police Department

- 76, concerning outstanding warrants alleged to be issued by same agency, and 2. They quickly discovered two warrants alleged to be issued by nonlocal agency for failures
- 77, to appear in cases 13-3628 and 13-23865 when records of did not retrieve in their
- 78, local databases. Officers arrested. They refused Petitioner's desperate pleas for his
- 79, possessions meanly to be collected and booked into property release despite
- 80, explanation that they included his case documents, work-product and law resources.
- 81, Officers refused exculpatory information respective to the clearing of warrants upon
- 82, recent arrest on 11092016. During booking, Yolo County Sherriff's Department
- 83, originally processed both cases aforesaid setting date of 02212017 for both as if
- 84, joindered. Prior to release, agency then redacted processing for case: 13-23865.
- 85, On 11212016, Petitioner administratively addressed procedural default
- 86, effecting remainder of outstanding warrant for arrest over one hearing. As sheriff set
- 87, date by citation for case 13-23865 concurrent with

case 13-3628 on 02/20/16 at

38. 0930 in Department 1..." (c-084025-op-  
petition-ptw-horton Above).

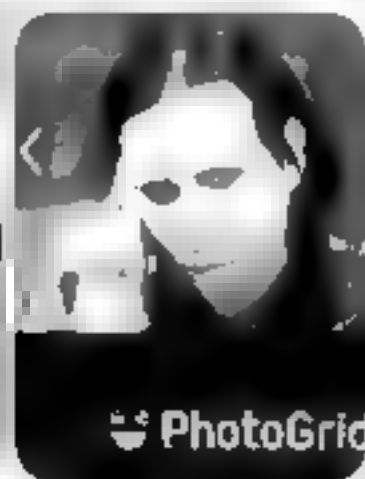
<https://archive.org/details/case-smmry-rprts-jctf-vs-yolo-cnty-et-al>

[NOTE 08102021: Errors of Malfunctions caused by pernicious malicious interference of Illegal Electronic Espionage RICO violations of above citation during copy/paste are too impracticable at time to repair. See source .pdf file above!]



- CULPRIT BACKGROUND

DISCOVERY: FRITZ VAN DER  
HOEK, (IMPERSONATING AND  
SO-CALLED BUT NON-  
CREDENTIALLED) DEPUTY  
PROSECUTOR OF YOLO  
COUNTY DISTRICT ATTORNEY:



So, he needs to stop projecting his faults non-sequiter, as recurring pattern per Looptank-Effect Syndrome amongst Looptank Insurrectionists, blameshifting sociopathically with his pubescent slander and gossip with Woodland Looptank members loudspoken from the Public Demonstration of the Looptank Manifest Phenomena I am witnessing by natural audible soundwaves by demoniac, unnatural phenomena of satan NOW!

Van der Hoek/Warner Resemblance (Evinced: either Incognito or Doopleganger Operative Agent Phenomena) CoMING SOON:

[Rough draft notes 08202021: (AND STOP HARASSING PROCESS OBSESSIVE STALKING CREEP by the illegal Hacking espionage DESPERATE, PARANOID

FREAK nose-pickin girly pube dick...)

Warner's shameful to mention Memoir autobiography thesis self-confessed: As Cantonite pube... ego aggrandized as succeeded high priest of church of satan, announced by shameful to mention Lavey impersonator of Ming the Merciless (these guys are way too immature of a subject the juvenile delinquent yet enabled by such as , since actually as true character hidden in public lives are truly as same, Bushes, Cheney, Obama, Trump, another relative since all public personhood has been nepotistic, foreigner, actually, Kissinger globalist Anti-American, All of Old Crotch-foot), in pact with satan and his hierarchical, insurrectionist and terrorist regime (termed a kingdom acknowledged as actually illegitimate upon the earth by followers of The Truth, The Lord Jesus Christ, King of Kings), just one pissant amongst this contemporary Looptank Insurrection Group affiliation and

Insurrection Group affiliation and association..., became ONE in plot, in Peter Gabriel led by direct doppelganger operative agency of living Antichrist with club of Rome by Gmail radio and record industry conspiratorial initiatives through devil-pact contracts illegal etc... amongst Gothic cult friends (right here MshrmWlgus particularly escalated hostile and extreme) such as one Trent Reznor, to plot to curse and manslaughter one person as a life objective in conspiracy with pact to flatter as a devil-worshipping rockstar as motive (Horton's Satanic family tree, which I am redeemed and set apart from in the Lord Jesus Christ... predominant since kin of in Middletown, New York managed Elvis... and I am White Sheep central to their Occultic secret divination plot..)... I am that one person targeted... Jacob the Centrally Targeted Figure... upon PROOFS (See: DanDeMott's Earthworm record

(See: RznrPrgryslScryEarthworm... record, YouTube Playlist; Historical Archive Playlist from Homepage links). [(Mlcs Note 08202021): "Gmail radio" originally drafted and copy/pasted = "FM radio" revision = by Mshrm Wilgus Mlcs remote typo...; "succeeded" = "succeeding; "announced" , = "appointed" and same occurred throughout tampering of transcripts, this is extremely difficult against harassments, and minor and rare interpositionsinby remote terminal by librarian under board chairman same Judge McGuire at public access computer at Woodland Law Library during period, of Mlcs Intrusion during this edit-> Extreme, with intent to sabotage... caused Time-Delay damages... Desperate, Vicious MlcsIntrsn attack being experience betraying...)th}this is a fighculprifs perpetrated I will meet andPREVAIL VICTORul Former have provoked Wrath of same True Living Lord aforesaid by incalculable acts these are

1	CD1	1	1	1	1
---	-----	---	---	---	---

attack of editing as note above... betraying motives... Time-delay damage caused = need to reedit...; "hindered" = MshrmWlgus pattern -> remote revising = "joindered"] ]



Description



**Body camera video: San Jose State police shooting**

**225**

Likes

**118,591**

Views

**2019**

Mar 8

San Jose State on Friday, March 8, 2019, released records related to a fatal 2014 officer-involved shooting, including body-cam footage, in response to Senate Bill 1421, the state's new police transparency law. Officers with the University Police Department were cleared in the shooting, which left 38-year-old Antonio Guzman Lopez dead.

JCTF vs Cnty0Yolo 156705VndrHoek

MntIncmptnc2PrctcLw MostInsaneRespondentReply  
Incompetence2Prctc

Fritz Van der Hoek's mental incompetence and incompetence to practice law as impersonating (obviously with false alias and invalid, falsified licence in RICO Conspiracy) in People of California vs. James E. Horton 15-6705 betrayed:The most insane Respondent Prosecutor's Reply attempting red herring for instigating state and international security issues from a frivolous and malicious case in desperation, when he is a mentally incompetent and illegal spy, and I prevailed with all motions. He fabricated psychotic false testimony perjuring! He was in conspiracy with Public Defender's office

and Judge Macguire ex parte against my  
rights to obstinantly persist with False  
Prosecution with complete  
Incompetence!The most insane  
Respondent Prosecutor's Reply

– ISSUES AT COMMON-LAW

---

SPEEDY TRIAL

**CAUTION CUBADO**

{Prima-facie, REMEDY is DISMISSAL.  
Continuation of prosecutorial proceedings  
is Judicial and Prosecutorial Misconduct in  
RICO Conspiracy criminally!}



JCTF vs Yolo County et al SpdyTrllssu

Mtns2Demss



JCTF vs Yolo County et al SpdyTrlIssu

Mtns2Dsmss

Viewable files (16)

A  
2



133628SUPERIOR COURT OF THE  
STATE OF CALIFORNIA.html.pdf

141219MOTION  
SPEEDYTRIALDISMISS141219.pdf

144497 DECLARATION IN SUPPORT OF  
REQUEST FOR TIME EXTENSION TO  
FILE DEFENDANT.html.pdf

144497 TIME EXTENSION 4 MTN 2  
DISMISS SPDY TRL.pdf

156705 COMMONLAW MOTION TO  
DISMISS SPEEDY TRIAL DUE

JCTF vs Yolo County et al SpdyTrlIssu Mtns2Dsmss

(Internet Archive).

JCTF vs Yolo County et al.: Speedy Trial Issue Motions to  
Dismiss

[https://archive.org/details/133628-  
superior-court-of-the-state-of-  
california.html\\_202109](https://archive.org/details/133628-superior-court-of-the-state-of-california.html_202109)

RICO RECORD TAMPERING  
TRANSCRIPT TAMPERING

PROCEDURAL MISCONDUCT AND  
HARASSMENT, ABUSE OF PROCESS (IN  
MALICE INTENT).

RIGHT OF SELF-REPRESENTATION  
(AGGRESSIVE DEFENSE WITHOUT  
FORCED COUNSEL, VIOLATIONS OF  
ATTORNEY'S OATH AS FIDUCIARY AND  
CONFIDENTIALITY PRIVILEGE).  
(COMPETENCE TO SELF-REPRESENT).

James E. Horton

204 4th St., Suite A

Woodland, CA 95695

Email: jaakovos@gmail.com

Defendant, In Pro Per

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF YOLO

| ) Dept. 10

PEOPLE OF THE STATE ) Case No.: 15-

) MOTION TO WAIVE RIGHT TO  
COUNSEL

CALIFORNIA, ) AND PROCEED IN PRO  
PER

) (Faretta Motion pursuant to Faretta v.  
California)  
Plaintiff, )

)  
vs. )

)  
James E. Horton, )

)  
Defendant )

)

)

PLEASE TAKE NOTICE that Defendant,  
James E. Horton moves the Court for an  
order permitting him to waive counsel and  
proceed In Pro Per in this action

throughout course and included sentencing. The grounds for issuance of this order are substantial conflict with appointed counsel and Sixth Amendment right to choose self-representation. This motion is based on the attached documents and MEMORANDUM IN SUPPORT OF MOTION TO WAIVE RIGHT TO COUNSEL AND PROCEED IN PRO PER, and WAIVE COUNSEL, the declaration of James E. Horton on \_\_\_\_\_, on all papers filed in this action and record of proceedings.

Date: *Respectfully submitted,*

-----  
James E. Horton, In Persona Propria

MEMORANDUM IN SUPPORT OF  
MOTION TO WAIVE RIGHT TO  
COUNSEL  
AND PROCEED IN PRO PER

CASE SUMMARY

Defendant, James E. Horton, was brought to trial in this case on 06222016. Jury deliberation ended on 06242016. Judge Daniel P. Maguire delayed sentencing hearing with continuance until 06292016. Just thereafter, Defendant filed Motion to Vacate Judgment challenging verdict as wrongful and arguing for dismissal due to inordinately delayed decision on Petition of Writ of Mandate to Appellate Division. At sentencing hearing on 06292016, Judge retaliated against Defendant's Motion to Vacate Judgment by maliciously revoking defendant's right to self-representation and improperly appointing Public Defender as appointed counsel for sentencing phase when Defendant has substantial conflict of interest with Public Defender's Office.

## STATEMENT OF FACTS

A contextual background of prosecutorial actions is circumstantially relevant since evidencing motive and intent toward 14th

evidencing motive and intent toward 14th Amendment denials including hyper-vigilance to discredit Defendant's competence in order to obstruct Defendant during Post-Trial as follows:

Approximately three years ago, prosecutorial action was initiated against myself, James E. Horton, by the West Sacramento Police Department. Since then, the following court actions have occurred: This first case (case: 13-3628) began with Public Defender overzealously RAISING A DOUBT ABOUT MY COMPETENCE TO STAND TRIAL at pretrial conference subsequent to arraignment. Doubt raised was based solely from police report without adequate consultation. Public Defender attempted to "fast-track" my case as a local procedure is termed. It would have denied fundamental rights without Due Process. I filed Faretta motion and have been granted self representation after raising issue of

self-representation after raising issue of substantial conflict due to ineffective counsel by the Public Defender's Office. Since waiving counsel, I have filed pretrial motions (timely and proper) defending that prosecution lacked probable cause for the arrest – it was a pretextual, malicious, false arrest.

Thereafter, a barrage of overzealous, vindictive prosecutorial harassment began. An additional four frivolous charges initiated. At arraignments, I requested Public Defenders with mind to avoid unfair overburden by actions. Counsel was appointed for them (Cases: 13-23865, 14-1219, 14-4497 and 15-6705). Case 13-23865 is a case also initiated by the West Sacramento Police Department for taking one can out of a garbage can. Case 14-1219 involves charge of a camping infraction also to be heard in Traffic Court. It was initiated by a Woodland police officer to whom I explained: I have been

circumstantially forced to self-represent in a foreign town as an indigent, and I was sitting under an overhang to get out of the rain with my case files and work product. This also was in 2014. Both cases are still amongst those pending behind first case in criminal court.

These cases are still pending by neglect since appointed counsel orally motioned for an anomalous procedure for these subsequent cases. Maguire agreed to and ordered so. Said to be "trailing," all cases versus this defendant were made to run consecutively and concurrently on the docket. As a result, all hearings were scheduled for all cases simultaneously. Procedure on it has been totally deprived thus far by the court as hearings are on all cases simultaneously with limited time. Scheduled hearings, actually, were truncated and too brief for even tending to the first case. Continually, Maguire precluded adequate time (and as confirmed

precluded adequate time (and as confirmed by the record) to hear myself (as I had prepared for) on matters for even this first case. To rationalize, he appealed to the "interest of the time of the court" claiming an overburdened docket. Otherwise, they totally neglected any effort toward defense in these cases. (Still, Case Reports all record "Matter Heard" (as falsehood) for each hearing.) By this decision, cases have been neglected, compounding together, to overburden at one time – an extreme Abuse of Legal Process violating my Speedy Trial and Fair Trial rights.

Repeatedly, I have raised discrepancy about these acts of Procedural Misconduct (both to counsel in meeting and judges in open court) but have been prejudicially ignored continually on the issue.

Since then, I have successfully raised issues of substantial conflict due to ineffective counsel completely adverse to an adequate

counsel completely adverse to an adequate defense, and right to waive counsel and self-represent in all cases during oral hearing. I needed to assert this right for any adequate defense. I am law trained.

Numerous times, in various ways, within pretrial motions to dismiss with merit, I have raised point as follows:

## DEFENDANT'S RIGHT TO FAIR TRIAL PREJUDICED BY PROTRACTED

## RESTRAINT OF HIS LIBERTY TO AN AREA.

In them, he asserted: "delays are causing undue disruption to his life without justifiable cause... His liberty to move is restrained by inordinate bad faith delay – and without income – in proceedings pending" inordinately prolonged while indigent and not even resident to this area.

This is due to overburdening by prosecutorial misconduct causing detriment to his Fair Trial rights. (Please see Defendant's Speedy Trial Motion). For

see Defendant's Speedy Trial Motions). For example, during pendencies, I have been obligated to attend total of 45 pretrial hearings and 3 days of 1 trial for which sentence hearing and judgment are delayed. The trial is not concluded. Hearings have resulted in a litany of blatant prejudicial denials flying in the face of fundamental constitutional rights. Also, initiated by Woodland Police Department alleging charge of Fight (Case: 14-4497). Facts are that ■ Corporal baited by blocking door to Police Station retaliating against my seeking a citizen's complaint form. It was dismissed upon motion to dismiss in court and for lack of sufficient evidence. I have a cause for civil action as result.

Suddenly, in late 2013, at trial readiness for first case (case: 13-3628), Judge Maguire opened hearing informing of a new charge

of violation of PC § 415(1). Instantly, at same hearing, I was arraigned (case: 15-6705). Charge was upon arrest based only on informant's accusation. Said case was reinitiated and rearraigned. Originally, complaint alleged violations of two charges: PC § 647.6(A) Annoy/Molest Child, and PC § 415(1) Fight/Challenge Fight. Later, at a first arraignment on 05142015, it was rejected by DA for lack of sufficient evidence. At this time, it was reinitiated on 415 charge with 647.6 dropped for lack of sufficient evidence. Efforts began to expedite this new case to trial with primary emphasis. Now, continuances were set for all other cases. This timing was conspicuously tactical toward Abuse of Legal Process to adversely effect Fair Trial for first case (case: 13-3628).

## CASE FACTS

On 04202016, Petitioner filed Petition for Writ of Mandate and Request for Stay of

Proceedings... At trial readiness conference scheduled on 04212016, Judge Daniel P. Maguire continued proceeding until 06152016 in lieu of time for decision upon Petition aforesaid and ■ stay until such. Respondent, Prosecutor Frits Van Der Hoek, filed opposition on 05092016. Petitioner has multiple times visited the court clerk seeking decision upon Petition in full-faith effort. Court repeatedly informed Petitioner has been being scrutinized over by such as called an "Attorney Unit" since 05092016. As date of this writing, decision is still pending and delayed in same process. Trial proceeded on 06222016. Maguire put out continuance for sentencing phase; he verbalized favor of appointing public defender and prosecution's offer of a non-statutory agreement in place of sentencing called a "Diversionary Homeless Program."

He threatened with ultimatum of prejudicial maximum sentence with settlement offer.

On 06272016, I filed Motion to Dismiss Because of Denial of Right to Speedy Trial in first case (case: 13-3628) arguing pendency thus far has prolonged 2 years and eight months being 1 year and 8 months surpassing maximum jail sentence. Hence, presumed prejudice against a fundamental right is *prima facie*. Then, on 06282016, I filed, under extreme circumstances considering judge's delay of sentencing phase, a Motion to Vacate Judgment upon the following points: CASE IS STILL PENDING UPON INORDINATELY DELAYED DECISION ON DEFENDANT'S PETITION FOR WRIT OF MANDATE since "said Petition has been maliciously ignored and case preceded (sic) to trial," and FAIR TRIAL

PREJUDICIALLY HARMED BY UNDUE INFLUENCE UPON JURY since attempted jury tampering was evidenced during voir-dire selection and verdict was wrongful prima facie. Hearing for this motion was set for 07272016.

On 06292016, at a continued sentencing hearing, Maguire maliciously retaliated against my Motion to Vacate the Judgment. The hearing was completely one-sided. I was not permitted to speak and judge opened with prosecution. A Deputy District Attorney Christopher Bulkeley gave improper, prepared presentation endorsing (on record) the Diversionary Homeless Program as above mentioned. According to this newly conceived program, I would be forced to concede to "incompetent to stand trial" status, be forced to admit guilt, progress in stages of thought-control and be provided controlled housing (when I am not even native to this county – I am from Pennsylvania and Ohio). Maguire

Pennsylvania and Ohio). Maguire threatened with prejudicially excessive jail term as ultimatum to offer of this new program. Bulkeley voiced intent to raise doubt of my competence to stand trial. During hearing, Maguire blatantly precluded and obstructed fundamental right to orate in support and in defense. On the record, I attempted to raise issues relevant to sentencing by statute during this hearing. Continually, I was interrupted being told not to interrupt. Maguire also forbade my right to state objections during DA's unconstitutional presentation. Since I disagreed to and rejected offer of the unconstitutional program DDA Bulkeley offered (as replacement to sentencing), Judge Maguire vindictively revoked right to self-represent for sentencing. He then appointed counsel from the Public Defender's Office despite my objections.

RULE OF LAW

## A CRIMINAL DEFENDANT HAS THE FUNDAMENTAL GUARANTEED RIGHT TO WAIVE COUNSEL AND REPRESENT HIMSELF

Absent exceptional circumstances over which the court has discretion as prescribed by relevant law, self-representation is an unqualified/guaranteed right implicit in the the Sixth Amendment. "Implicit in Fifth and Sixth Amendments is right of accused personally to manage and conduct his own defense in a criminal case" (U.S. v. Plattner (1964) 230 F.2d 271). Therefore, court must be careful not to impair "the absolute and primary right to conduct one's own defense in propria persona." According to Faretta, "Language and spirit of Sixth Amendment contemplate that counsel, like other defense tools guaranteed by it, shall be an aid to willing

defendant, and not an organ of state interposed between an unwilling defendant and his right to defend himself personally" (Faretta v California (1975) 422 US 806). In dictum, it further explained, "An unwanted counsel 'represents' the defendant only through a tenuous and unacceptable legal fiction. Unless the accused has acquiesced in such representation, the defense presented is not the defense guaranteed him by the Constitution, for, in a very real sense, it is not his defense."

Faretta v California is, now over development, primary case defining standards for self-representation. Relying upon, Indiana v. Edwards summarizes Faretta thusly: "The Court's foundational 'self-representation' case... held that the Sixth and Fourteenth Amendments include a 'constitutional right to proceed without counsel when' a criminal defendant 'voluntarily and intelligently elects to do

so...' The court implied that right from: (1) a 'nearly universal conviction,' made manifest in state law, that 'forcing a lawyer upon an unwilling defendant is contrary to his basic right to defend himself if he truly wants to do so,'... (2) Sixth Amendment language granting rights to the 'accused'; (3) Sixth Amendment structure indicating that the rights it sets forth, related to the 'fair administration of American justice,' are 'personal' to the accused,... (4) the absence of historical examples of forced representation... "respect for the individual... (a knowing and intelligent waiver of counsel must be honored out of 'that respect for the individual which is the lifeblood of the law')" (*Indiana v. Edwards* (2008) 554 U.S. 164).

Absent exceptional circumstances over  
According to Faretta, "Language and

Faretta v California is, now over 4

## CRITERIA FOR STANDARD OF COMPETENCE TO SELF-REPRESENT

Purpose for court's scope of discretion relevant to alleged doubt concerning a defendant's competence are determinations of whether defendant has mental capacity to either "stand trial," or to "self-represent." Therefore, just an assertion that defendant may be mentally ill is not enough to excuse denial of a presumed right – defendant must suffer from a severe, debilitating mental illness according to an objective, defined scope. The precedent *Indiana v. Edwards* more specifically narrow-clarifies scope for determination of Incompetence to Self-Represent as exception to Presumed Right. In it, the Supreme Court held: "... that United States constitution permits states insist upon representation by counsel for those who are competent enough to stand trial but who still suffer from severe mental illness to the point where they are not

illness to the point where they are not competent to conduct trial proceedings by themselves" (Edwards, Supra).

Still, otherwise, standard for self-representation as in *Faretta* or *Plattner* as a guaranteed right with Presumption is still same.

According to *People v. Johnson*: "The standard that trial courts should apply when considering whether to exercise their discretion to deny self-representation based on a defendant's mental state is whether the defendant suffers from a severe mental illness to the point where he or she cannot carry out the basic tasks needed to present defense without help of counsel" (*People v. Johnson* (2012) 53 C4th 519). Citing *McKaskle v. Wiggins*, the Edward's court listed basic trial tasks as: 1) organization of defense, 2) making motions, 3) arguing points of law, 4)

participating in voir dire, questioning witnesses, 5) and addressing the court and jury (*Indiana v. Edwards*(2008) 554 U.S. 164).

To illustrate, Edward's standard applied in *People v. Garcia* holding, "The defendant had the mental competence to knowingly and intelligently waive counsel in a trial for animal cruelty... Since he demonstrated a rational understanding of the proceedings and the charges against him... in addition, the defendant identified the charges against him in his opening statement, made partially successful motions, told the court that he was presenting an argument because if he did not make a record he would not be able to raise the issue on appeal, and demonstrated a full understanding of the allegations..." (*People v. Garcia* (2008) 159 Cal. App. 4th 163).

Although, in *Boyd v. Dutton*, the Supreme Court held that "Waiver of right to lawyer

will not be lightly presumed,” it continued: “and trial judge must indulge every reasonable presumption against waiver.” This holding, hinging up on the word reasonable indicates that such “p[re]sumption against waiver” was unreasonable. It is not obligatory upon a judge to favor a claim of doubt asserted where, in *People v. Blair* (2005) 36 C4th 686, 714).

It is relevant to compare against actual examples of incompetence requiring judicial denial.

For example, in *Edwards*, defendant was denied right to self-represent due to actual symptoms of schizophrenia. “Over the course of... two separate criminal trials, Edwards sought to act as his own lawyer. He filed a number of incoherent written pleadings,” such as this excerpt:

The appointed motion of permissive intervention filed therein the court superior on 6-26-01 caused a stay of action and upon its expiration or thereafter three years the plan to establish a youth program to and for the coordination of aspects of law enforcement to prevent and reduce crime among young people... etc... (Edwards, Supra).

The appointed motion of permissive intervention filed therein the court superior on 6-26-01 caused a stay of action and upon its expiration or thereafter three years the plan to establish a youth program to and for the coordination of aspects of law enforcement to prevent and reduce crime among young people... etc... (Edwards, Supra).

Stemming logically from the Constitutional doctrine that Sixth

amendment rights to a fair trial are guaranteed personally to the defendant, technical legal knowledge is irrelevant to standard for determination of competence to self-represent within the court's scope of discretion. According to Edwards, "... even assuming that self-representation might pose special trial-related difficulties, 'the competence that is required of a defendant seeking to waive his right to counsel is the competence to WAIVE THE RIGHT, not the competence to represent himself...' for this reason, we concluded, the defendant's 'technical legal knowledge' is 'not relevant' to the determination" (Indiana v. Edwards, citing Dusky v. United States (1960) 362 U.S. 402 and Faretta, Supra).

Edwards exists within this whole common-law context Its scopes at issue are to be applied balancing against presumptions upon rights to not have lawyer forced on

defendant, etc. Context has not been overruled, but cited and respected by Edwards court. Standards for determination of competence to self-represent have only been clarified within it.

## ANALYSIS

### THE COURT MALICIOUSLY ABUSED DISCRETION BEYOND STANDARD AND SCOPE AT ISSUE IN REVOKING DEFENDANT'S RIGHT TO SELF-REPRESENTATION

Defendant, hereby seeks to establish that he meets requirements for competence to self-represent and that court's doubts are prejudicial and unjust. Defendant, in fact, has demonstrated competence to self-represent surpassing standards defined by relevant case law. He has "knowingly and intelligently waived" right to counsel. He has shown competence to conduct

proceedings at trial exceeding scope. Scope for standard involves competence to carry out “basic tasks” expected of a layperson without “technical legal knowledge” (Johnson, Supra and Edwards, Supra). During Pretrial, Defendant filed lucid, timely and proper pretrial motions with full merit. During trial, Defendant demonstrated relevant competence to perform basic tasks. He “demonstrated a rational understanding of the proceedings and the charges against him...” (Garcia, Supra). Defendant was aware and astute during voir-dire process. He recognized obvious “attempted jury tampering.” A supervisor of the Woodland Police Department’s Detective Unit, present in jury box, praised his subordinate on witness list. Defendant objected; juror was removed. He stated timely and proper objections. He led cross-examination adequately establishing relevant facts from questioning witnesses. He articulated

organized opening and closing oral statements, and excellently “addressed the court and jury.” Throughout course of pendency, he has demonstrated comprehension of law at issue.

In open-hearing on 06292016, and on the record, during prosecution’s (unconstitutional) “presentation,” he commented ... excellent job at least at a basic level. Therefore, even by Judge’s own testimony (although I am adamant it is understated) Defendant has met standards according to Edwards.

Also, “Right of accused to defend himself rests on two bases: that he must have means of presenting the best defense and must have complete confidence in his own counsel” (Maldano v. Denno (1965) 348 F.2d 12). Defendant, here, is confident that, based on evidence alone, he could prevail in posttrial with appeal due to several

prejudices to fundamental rights and upon challenge of a wrongful conviction. Under circumstances, (as above within statement of facts), in this case, adequate defense for Defendant absolutely necessitated that he self-represent. He has adequately and competently practiced more thoroughly and diligently than could be afforded by any attorney – especially the Public Defender's Office with whom he is in a conflict of interest. In support, Defendant has already acquired a dismissal (in case:14-4497) resultant of his own defense. Self-representation is most Fair for Defendant. In contrast to grounds for determination of incompetence in Edwards, here, court's doubts are claimed on implications concerning defendant's non-bizarre behavior. Defendant's motion practice has been lucid as well as his oral argumentation. Furthermore, he has been able to comprehend proceedings. Doubts

able to comprehend proceedings. Doubts are obviously insubstantial. Justice in this matter requires full consideration of Defendant's diligent, full-faith, competent efforts demonstrated on file and on record.

## **COURT RELIED ON PROSECUTION'S REASONING BASED ON MISREPRESENTATION OF FACTS AND MISINTERPRETATION OF AUTHORITY CITED**

District Attorney Fritz Van Der Hoek supporting doubt relied on dictum in Edwards which states, "... a right of self-representation at trial will not 'affirm the dignity' of a defendant who lacks the mental capacity to conduct his defense without the assistance of counsel. To the contrary, given the defendant's uncertain mental state, the spectacle that could well result from his self-representation at trial is at least likely to prove humiliating as

ennobling..." Curiously, he did not support his implication with any facts. Also, he misinterpreted intent of "dictum" out of context of the whole of doctrine within Edwards. By it, he misrepresented issues and facts and applied prejudicial scrutiny without substantiation.

On the contrary, Defendant did not make a spectacle as a fiasco attempting self-representation by judge's own testimony. In open-hearing on 06292016, and on the record, responding to prosecution's raised doubt, he commented excellent job at least at a basic level. Therefore, reasoning flies in the face of authority cited.

**THE COURT IMPROPERLY APPOINTED  
PUBLIC DEFENDER WITH WHOM  
DEFENDANT HAS SUBSTANTIAL  
CONFLICT OF INTEREST AS COUNSEL  
AND AGAINST DEFENDANT'S  
CONSENT**

On 06292016, Judge Maguire appointed counsel from Public Defender's Office fully aware of my substantial conflict with them (as raised mentioned above). Defendant has waived same counsel previously before same judge on this basis. Said public officials have procrastination and neglected defense for Defendant by requesting anomalous procedure of "trailing cases" as averred above within Statement of Facts. The court favored. Defendant's cases (and outcome) have been harmed severely as a result. Also, this has been much cause of disruption to Defendant's life from deprivation of right to Speedy Trial (bad-faith delay without remedy thus far) as Defendant has argued. Repeatedly, the court has based prejudicial denials of Defendant's Speedy Trial motions (in open hearing) on that record reflects Defendant has requested numerous continuances. It is suggested that, therefore, Defendant has not asserted Speedy Trial Rights – and as

only factor to consider as oversimplification of issue. Firstly, he has argued (repeatedly): bad-faith delays were result of procrastination of public officials; he had not consented, but contended with decisions of appointed counsel to request said "trailing." The Case Summary report reflects "Matters Heard" held out which were not continuances requested by myself. Secondly, by addressing issues of bad-faith delay with pretrial practice, Defendant had performed exactly expected to fulfill assertion of Speedy Trial Rights – causes of bad-faith delay by public officials. The above is amongst several reasons Defendant has for asserting incompetent and ineffective counsel as described within Statement of Facts.

## CONCLUSION

Judge Maguire, on 06292016, grossly abused discretion in revoking self-representation – even if just for sentencing.

Also, appointing Public Defender was highly improper given factors to weigh. Wherefore, Defendant requests the court to reverse revocation of his right to self-representation, regrant right to waive counsel, and for sentencing hearing included.

Date: *Respectfully submitted,*

-----  
James E. Horton, In Persona Propria

## ORDER

Based on the Motion of Defendant,

IT IS ORDERED that Defendant's Motion

Date: -----

\_\_\_\_\_  
Presiding Judge

DECLARATION OF JAMES E. HORTON  
IN SUPPORT OF MOTION TO WAIVE  
RIGHT TO COUNSEL AND PROCEED IN

PRO PER

I, James E. Horton, am the Defendant in the above entitled case.

I declare under penalty of perjury the following: THE COURT MALICIOUSLY ABUSED DISCRETION BEYOND STANDARD AND SCOPE AT ISSUE IN REVOKING DEFENDANT'S RIGHT TO SELF-REPRESENTATION; COURT RELIED ON PROSECUTION'S REASONING BASED ON MISREPRESENTATION OF FACTS AND MISINTERPRETATION OF AUTHORITY CITED; THE COURT IMPROPERLY APPOINTED PUBLIC DEFENDER WITH WHOM DEFENDANT HAS SUBSTANTIAL CONFLICT OF INTEREST AS COUNSEL AND AGAINST DEFENDANT'S CONSENT.

At all times from the alleged commission of this offense I was indigent in Woodland

of this offense, I was indigent in Woodland,  
CA.

I declare under penalty of perjury under  
the laws of the State of California that the  
foregoing is true and correct to the best of  
my knowledge.

Date: \_\_\_\_\_

James E. Horton, In Propria Persona

**DECLARATION OF PERSONAL SERVICE**

I, the undersigned, declare that I am a  
citizen of the United States, over the age of  
eighteen years, and Defendant, In Propria  
Persona in the within action. My mailing  
address is 204 4th St., Suite A, Woodland,  
CA 95695.

On \_\_\_\_\_, I deposited in the

DISTRICT ATTORNEY'S OFFICE  
301 Second Street  
Woodland, CA 95695

Executed under penalty of perjury c

DECLARATION OF PERSONAL SERVICE  
BY HAND DELIVERY

I, the undersigned, declare that I am a  
citizen of the United States, over the age of  
eighteen years, and self-representing  
Defendant/Petitioner in this matter. My  
mailing address is 204 4th St., Suite A,  
Woodland, CA 95695.

On \_\_\_\_\_, I personally served a  
I declare under penalty of perjury

Date: .....

James E. Horton, In Propria Persona

Received by: .....

Date: ..

(Second. Faretta Motion. 156705).

SUBSTANTIAL CONFLICT DUE TO  
INCOMPETENT AND INSUFFICIENT  
COUNSEL

UNFAIR VENUE (HOSTILITY TO  
DEFENDANT'S FUNDAMENTAL RIGHTS).

PROSECUTORIAL MISCONDUCT AND  
HARASSMENT

MEMORANDUM OF POINTS AND AUTHORITIES

SUMMARY OF ARGUMENT

*Charge against defendant alleging violation of  
Cal. Penal Code 148(A)(1) is inadmissible since:*

*1. The information or indictment lacked  
reasonable or probable cause, and 2. Arrest of  
defendant on 06242013 was*

*malicious/pretextual and therefore illegal.*

*Therefore, defendant prays the Court to set aside  
the indictment in the interest of justice.*

**STATEMENT OF FACTS**     *During the  
afternoon of 06242013, defendant rested under  
the bridge by the Riverwalk. Just prior to dusk,  
having to urinate, he began to leave toward Old  
Sacramento to use the restrooms traversing  
along the lower path which inclines north to  
converge with the main Riverwalk toward Old*

*Sacramento Park. Simultaneously, four (apparent) juveniles (later determined to be Tyler Anderson, Deniseia Lacy, Malayzia Allen, and Mary Gibbs) appeared from the bridge area coinciding with his southward travel along the main Riverwalk (above to his left). The three females were being led by a male who was ranting and gesturing loudly and flamboyantly. They began hazing from above shouting ridiculing terms such as "treehugger." Due to the group's pace of travel, parties converged at the juncture of the respecting paths. At the convergence, the party continued presenting defendant with targeted banter while cellphone texting with fixed attention on his person. Peacefully, defendant cut across the main Riverwalk path to the trash-can located at the west side of this path with intent (as practical custom) to gather recyclables for income. Without obscenities, he calmly, non-menacingly admonished the party with concise comments concerning their previous conduct toward an elder (as such is according the party with gather*

elder (as such is according the party with gather recyclables for income. Without obscenities, he calmly, nonmenacingly admonished the party with concise comments concerning their previous conduct toward an elder (as such is according to his acculturated values with respect to appropriate free speech within community). Immediately thereafter, the group retaliated with boisterous, nonsensical argumentation. Defendant attempted to ignore them and proceed when Anderson declared, "Okay, let's go over the bridge," then began following him retracing their direction. In response, defendant communicated to the effect, "If you are not intending trouble, why are you following me?" Defendant suggested they turn and keep moving.

At Anderson's behest, the group then turned and traveled north; defendant continued toward his destination. At this juncture, defendant overheard Anderson giving his description over his cell phone indicating a police dispatch call. In order to avoid a tossible lingering issue

*In order to avoid a possible lingering issue, defendant decided to stay in vicinity to wait and talk with the police. Until the police arrived, he maintained approximately 75 feet distance from the group. While waiting, defendant overheard Anderson making various false accusations and embellished statements while affecting jocular, self-satisfied facial gestures occasionally flashing arrogant smirks at defendant and winking to his friends. By staying in area, they betrayed they were never actually menaced by defendant. At this point, defendant decided to video events for legal purposes. While accessing his cell phone nonthreatingly, Anderson implicatively exclaimed to the dispatcher, "hey... he's pulling something out of his pocket." Responsively in defense, defendant began to communicate, and from a distance (requiring higher decibel), to the dispatcher that he was not menacing, attacking the accusers, nor displaying a weapon but only a cell-phone (and for clarification). Within minutes two West Sacramento Police squad*

minutes, two West Sacramento Police squad vehicles speedily arrived, abruptly stopped and shined a blinding spotlight on defendant's face who was still standing approximately 75 feet distance from accusers. Noviolence, criminal activity, nor imminent threat was occurring at the moment. Militantly, officers exited the vehicles. Some immediately commenced taking statements from accusers calmly and respectfully. Another, Officer Wilson advanced toward defendant. After defendant verbally expressed desire to be heard concerning facts of the incident at issue, Wilson tersely commanded him (with inordinate, excessive command presence betraying animos) to sit on ■ distant bench and wait. Defendant was eagerly expecting rational dialogue concerning the incident (as recently from Ohio) flabbergasted having never been exposed to such extreme systemic behavior before during a "brief investigatory stop" appropriate to such circumstances at the scene. From this point on, all officers (especially one Officer Semeruk) behaved lock-step, knee-jerk

*Semeryk) behaved lock-step, knee-jerk, hyperreactionary, adrenaline rushed and borderline hostile toward the defendant. They immediately and unreasonably escalated to ■ de facto arrest.*

*Officer Wilson has averred in his police statement, "Further, HORTON kept reaching for his left pocket while pointing his cell phone at me, as if taking video, with his right hand. I told him no less than two separate times to keep his hands out his pockets." In response, defendant asserts, subconsciously, he was only preparing to reach for his identification expecting a request for it (as customary) as Wilson approached, he attempted, but was abruptly estopped from, explaining his intention as benign and to cooperate with an ID check respectful to officer's concerns. Wilson's paranoid, hypersensitive reactions were unnecessary causation for eliciting nervous, subconscious habits in a tense situation in lieu of Wilson's extreme, precarious demeanor. After actually complying with an*

arbitrary order (expressed with excess command presence) to "sit on the bench," he expressed feeling he was oppressed, stating, "You're bully me." After a moment waiting on the bench, Semeryk approached with Coulter following behind. They expressed desire to perform a frisk search. With intent to cooperate with and facilitate their wish expressed, defendant calmly removed (with a subconscious sense of liberty with respect to movement of his limbs) his backpack which he was wearing. He asserts: "intuitive common sense dictated that removal of this was necessary as less obstructing to a frisk, and necessary for a separate search of it – I resented the thought of disrespected to my dignity if treated incompetent to remove it myself. Although, with just a slight lean forward and slip of my arms, my action was very benign as from a nondeviant/peaceful citizen. The officers militantly shouted '... sit down!' exhibiting a predisposition toward excessive force." Shortly thereafter, Semeryk advanced

toward defendant, who then began to speak in defense concerning events; he was still currently video recording with his cell phone. As Semeryk came within arms length, with a premeditated quick reflex, he suddenly lunged at defendant's cell phone. Defendant reflexed by pulling his hand backward to avoid this abrupt, purposed frustration of my filming effort, and to avoid this inappropriate seizure of my property (said cell phone)." (He asserts, "Firmly, I held conviction that: 1. I had a Constitutional right to record this incident, and 2. Such a seizure, and without respectful communication, was unlawful and corrupt.") As a result of the force of this lunge with his own arm, defendant states that he felt Semeryk's own arm scrape against his thumbnail. Semeryk has averred in his police report, "As he extended his right hand, holding a cell phone, I attempted to apply a department approved control hold, twist lock, to gain Hortpn's compliance. Horton violently pulled back and I observed him reaching toward the backpack he had just taken off. I pulled Horton

away from (sic) the backpack by his right hand and assisted him to the ground into the prone position by guiding his head toward the ground with my right hand." Selectively, Semeryk omitted from his police report that, at this moment, he attempted a seizure of a defendant's cell phone without cause. In response, defendant avers: while compliantly seated on a bench, Semeryk advanced toward him conveying intent to listen to his account of the incident while fixing malicious eye contact. Once in arms length, unprovoked, he violently lunged to grab and seize defendant's cell phone as if by premeditated action. Defendant instantly pulled his hand back sideways and to his right – not toward his backpack positioned to his left.

Immediately thereafter, in an unprovoked fit of rage, semeryk grabbed defendant and forcefully pulled him off the bench and into the center of the Riverwalk path without mention of placing him under arrest. Semeryk averred in his police report, "I pulled Horton away from the backpack by his right (defendant was holding his

cell phone in his right hand) and assisted him to the ground into the prone position by guiding his head toward the ground with my right hand. Officer Coulter immediately assisted in applying a control hold on Horton's left arm." Implying resistance, he continued, "Horton resisted with great physical exertion while trying to free his right hand from my grip and bring it toward his waist area..." In response defendant avers:

"Immediately upon being grabbed and dragged inexplicably, I instantly focused attention on stopping and saving cell phone video in progress to ensure its keeping. I was holding my hand high and to my right fixing attention on it while otherwise enduring what I rationally believed to be police brutality – not an arrest, since no mention of arrest was made. I was zealous to frustrate Semeryk's attempted obstruction of my video effort; however, otherwise, I was entirely compliant. The task of saving the video last only a few seconds. All the while, I was being dragged and pushed by Officer Semeryk without knowing why, but I did not resist nor respond with

physical retaliation. Officer Coulter, meanwhile, was observing from approximately fifteen feet to the north. At the exact moment I accomplished saving data... Coulter announced, 'You're under arrest... stop resisting.' Immediately, I became compliant with all requests." Officer Semeryk ordered me to the ground and preformed a forceful frisk while communicating a litany of taunts and insults. Semeryk has averred in his police report: "Horton kept saying that he was doing nothing wrong and made incoherent statements about the government setting him up to be taken to jail. He accused the reporting party to be a government agent who worked for the police. Horton was saying he was the actual victim and was attacked by the reporting party and his friends." In response, defendant asserts, firstly, he never verbalized that "he was 'attacked' by the reporting party....," but that he was harassed then falsely accused by the reporting party and therefore was "the actual victim." Secondly, as to implications about "incoherent statements," he states: "Actually, I

verbally alluded with concise statements to my rational belief that the arrest was false and pretextual involving civil rights violations as a First amendment right. I was in fact cogent in context questioning and correcting their misconduct as a civic duty. My statements were few, brief – not belligerent, yet firm and adamant. Semeryk has defensively misrepresented my statements by vaguely referring to them as ‘incoherent statements about the government setting him up...’ I resent the implication. Defendant was never Mirandized the entire night before imprisonment.” At the Yolo County sherriff Department, officers charged defendna teith violatin of Cal. Penal Code §§ 415 per the citizen's arrest which officers hadn influenced Anderson to make during questioning.

ARGUMENT INFORMATION OR  
INDICTMENT LACKED REASONABLE OR  
PROBABLE CAUSE Initial “detention tantamount to arrest,” as well as the subsequent excessive force carried out by Semeryk were

without reasonable cause since defendant "posed no threat to the safety of the officers" nor did he "attempt to flee or resist arrest." In support, the court held *Solomon v. Auburn Hills Police Department* that "force was excessive because suspect was arrested on a minor charge, did not pose a threat to the safety of officers or others and did not attempt to flee or resist arrest" ( *Solomon v. Auburn Hills Police Department* (2004) 389 F.3d 167). Also, it held that "In assessing reasonableness, it is necessary to take into account the "totality of circumstances that bear on the use of force." The circumstances are as follows: Youthful informants reported a very minor offense, Defendant was carrying no open (or other actual) weapon, There was no crime nor violent activity in progress (not before for that matter) at the scene, Defendant's demeanor was non-violent and relatively calm – he was only zealously interested in equal protection to be heard about begin falsely accused, Defendant was wearing a backpack; however, a clothing item worn on the back precludes expeditious

item worn on the back precludes expeditious access to its contents, hence his front posed no threat. Semeryk's only assertion relevant to 'safety of a police officer' referenced his "appearance of a transient/homeless person" – a discriminatory profile (from which he derived unreasonable assumptions). *Terry v. Ohio* has held, "Intrusions upon constitutionally guaranteed rights must be based on more than inarticulate hunches, and simple good faith on part of officer is not enough" ( *Terry v. Ohio* (1968) 392 U.S.1). Furthermore, "In justifying particular intrusion, police officer must be able to point to specific and articulable facts which, taken together with rational inferences from these acts reasonably warrant that intrusion; facts must be judged against objective standard of whether facts available to officer at moment of seizure or search warrant man of reasonable caution belief that action taken was appropriate" ( *Terry*). Likewise, in *Dunaway v. New York* the court held "Hostility based on

*v. New York*, the court held, "Hostility based on mere suspicion was a prime motivation for the adoption of the Fourth amendment." Police claims concerning defiant behavior are prejudicial based on misperception and conflict-of-interest. Defendant reasonably expected to endure an investigatory stop. Reasonably, he initiated attempts to communicate asserting his equal protection rights to be heard concerning facts. Officers immediately denied them by immediate and unreasonable escalation to de facto arrest when Cal. Penal Code §§ 837 precludes arrest of suspect for a misdemeanor not committed in the presence of officers. By exhibiting excess command presence, they betrayed hyper-vigilant intent to maliciously prosecute behaving prejudicial toward client.

Although *Terry* court held, "Police may in appropriate circumstances appropriate manner *Terry*) approach person for purposes of investigating possible criminal behavior even though there is no probable cause to make an arrest," officers' initial manner of approach was

arrest," officers' initial manner of approach was unreasonable and inappropriate given the totality of circumstances. "Courts have responsibility to guard against police conduct which is overbearing or harassing or which trenches upon personal security without objective evidentiary justification which Constitution requires..." ( . In consideration of the above, the officers' high alert status was extremely paranoid and extreme. In context, defendant did not resist arrest, but was only protecting evidence while victimized by police misconduct. Using his right hand to save data on his cell phone before during the process, defendant was dropped. In consideration of this train of events, defendant has rational reason to induce that his arrest was malicious and pretextual to acquire his phone discovery concerning a surrounding situational context. According to U.S. v. Mota, "Arrest is mere pretext for search if motivation or primary purpose of arresting officers is to arrest defendant for minor offense so as to allow police

to search for evidence of unrelated offense for which police lack probable cause to arrest or search" (U.S. v. Mota (1993) 9982 F.2d).

**CONCLUSION** Charge is minor based on minimal evidentiary facts. As a matter, the first charge stemming from Anderson's citizen's arrest was dropped before arraignment.

Moreover, weight of evidence supports assertion that defendant has been targeted for harassment and malicious, pretextual arrest. Defendant is not even resident of area but has been traveling; he desires to move on; is being administratively harassed by being restrained to an area unreasonably against his will. He has no outstanding warrants and a very minimal criminal record. Zealous prosecution would only reinforce defendant's belief that exploitation of such a minor offense is pretextual for a malicious ulterior motive and would belabor the Court with unnecessary expense. Therefore, it would be in the interest of justice for the Court to dismiss

charge.

*For the reasons stated above, the defendant respectfully requests that this Penal code section 995 motion be granted and his motion dismiss... (Motion to Set Aside Information Due to Lack of Probable Cause. 13-3628. 05042014.)*

## WRONGFUL VERDICT

EX PARTE COMMUNICATION - (RICO  
CONSPIRACY OF PUBLIC OFFICIALS  
MALICIOUS TO DEFENDANT'S  
FUNDAMENTAL RIGHTS OF DUE  
PROCESS

PREJUDICIAL DENIAL OF DUE  
PROCESS PROCEDURE, ABUSE OF  
DISCRETION, PREJUDICIAL ERRORS

OBSTRUCTION OF APPEAL

BLACKMAIL WITH SENTENCING,  
PREJUDICIAL SENTENCING

**"MEMORANDUM OF POINTS AND  
AUTHORITIES  
STATEMENT OF FACTS...**

• On 06292016, at continued sentencing hearing, Maguire (conspicuously) retaliated maliciously against my most recent motion and with motive and intent to preemptively obstruct Post-Trial and succeeding causes for civil actions. On the record, the hearing was completely one-sided - Obstructionist.

Petitioner appeared prepared to orate in support and in defense on issues relevant to sentencing by statute; He attempted to raise and then asserted to raise them.

Maguire blatantly denied Due Process precluding right to speak. Continually, he interrupted attempts to assert right for hearing on matter. Furthermore, he reversed accused Petitioner overbearingly insisting he not "interrupt." Maguire also forbade right to state objections

during an Unconstitutional, ex-parte "presentation" by the District Attorney's Office.

Court acted to unjustly Duress Petitioner to accept settlement offer for a

nonstatutory, Unconstitutional alternate to sentencing.

Judge opened with

prosecution. A Christopher Bulkley, Deputy District

Attorney appeared present not prosecutor on record in the

case and during trial (Fritz Van Der Hoek). Bulkeley gave

improper, prepared presentation endorsing (on record) a

newly conceived "program" - the "Diversionary Homeless

Program." Accordingly, Petitioner would be Coerced to

concede to Admission of Guilt, progress through stages of

a thought-control program, accept "Incompetent to

Stand Trial" status and controlled, free housing for

indefinite period of time (when I am not even native to

this state or county). Since I rejected said offer stating it to

be unconstitutional on the record, Maguire persisted to

Maliciously Retaliate with Gross Abuse of Discretion.

Bulkeley reiterated intent to Maliciously Raise Doubt

about Competence to Stand Trial! Maguire threatened

(even Blackmailed) with Prejudice in Sentencing Phase

(even Blackmailed) with Prejudice in Sentencing Phase

- an excessive, maximum jail term (upon wrongful conviction while refusing to hear Petitioner on issues at hand for which he came prepared) as ultimatum to offer
- an alternate to statutory punishments diverting Post-Trial Due Process. He Vindictively revoked Right to Self-Represent during sentencing and appointed Public Defender for counsel in error. Court specified revocation to be "... ON THIS CASE ONLY FOR SENTENCING."

(Please see Appendix F(1)(e).) Judge verbally confirmed, per Petitioner's inquiry in open court, Petitioner otherwise remains Pro-Se in all cases. As reasoning, Maguire rationalized malicious prejudice against Petitioner's aggressive defense as behavior indicating mental incompetence. He argued oversimply: Petitioner's rejection of said counsel was believed by himself to be "irrational." Furthermore, Respondent refused to permit objections to Unconstitutional Acts of "forcing a lawyer" upon a defendant while fully aware of Irreconcilable, Substantial Conflict with same counsel.

Court continued sentencing until 07/13/2016. Petitioner filed Faretta motion on 07/19/2016. (Please see Appendix F(6))

Faretta motion on 07112016. (Please see Appendix F(6).)•

On 07132016, Judge Maguire, in Department 10, was occupied by another incomplete trial and was unavailable. Upon appearing, Petitioner was informed by Bailiff that court transferred hearing to Department 9, Traffic Court before Judge J. Beronio in lieu of the overburden to "the time and resources of the court. Therefore, due to complications of case, the court then continued sentencing until 07272016 at 1000 in Department 10. • On 07272016, Petitioner appeared at 1000 for continued sentencing hearing. Judge Maguire blatantly obstructed Due Process refusing to hear Petitioner upon issues for which he came prepared. Court claimed "FAILURE TO APPEAR" as reflected within minutes and case summary reports, yet maliciously granted prosecution's oral motion to charge with Contempt for "(mis)behavior in court." Postjudge's communicated refusal (at the bench) to hear Petitioner, and on record, he grossly Abused Legal Process issuing bench warrant. Court delivered Minute Sheet reflecting that a warrant review hearing was set for 08212016. Date was already overburdened with hearings scheduled on compounded matters: vacated sentencing, oral argument upon Faretta motion, and

neglected matters in all other cases, etc. • Date for case 15-6705 concurrently with case 14-1219 has been set for..." (C-084025-op-petition-ptw-horton Above).

08132021 JCTF Delivers "Mockery of Justice Proclamation" Upon Initiating Construction of Emergency {DELIVERY SERVICE SYSTEM AND CASE PREPARATION FOR EXTRAORDINARY RELIEF PAGE} in JCTF vs. County of Yolo et al.

Mockery of Justice Proclamation

Date: August 13th, 2021

Recently, I began construction of the webpage "JCTF vs. Yolo County et al." publishing for distribution a record of its incidents (of Anti-Christian and Anti-American prosecutorial actions, betraying intents of Hypocritical Treachery toward all law-abiding humanity, maliciously initiated by People of California vs. James

E. Horton, in Yolo County, California in 2013), for distribution, of events part and parcel to the "Looptank Insurrection" matter of the gravest weight in the history of both the United States of America and Civilization of the entire World during these End Times prophesied risen from decades of a Treacherous "Occultic Conspiracy" which has been diversionarily misnomered "The Cold War" by minimizing, secularized historians and politicians of the latter twentieth century. During this period of misrepresented history, an unnumbered multitude amongst the most lawful have disappeared while their records have been destroyed within my borders. I am left during same period of "Great Tribulation" guilefully denied by a remaining populace with bloody hands in collusion with "The Great Whore of Babylon" drunk with the blood of the saints. Her seat currently still resides on

saints. Her seat currently still resides on seven hills riding a Beast hypocritically while conspiratorially operating through the remaining Treason within my nation's borders by illegal, secret treaties considering its territory annexed to same "Babylon." None of its conduct is legitimate being completely Unconstitutional in hypocrisy. This all has been undeniably irrefutable during this Insurrection of satan's servants. It is all public knowledge despite being treasonously omitted from all press and media only disseminating subversion and false-propaganda hostile to National Security Interest and the Overriding Public Interest of any upstanding who have not forfeited their Fundamental Rights by complicity and collusion with said Treason.

Wherefore,

I, Jacob (James E. Horton), hereby,

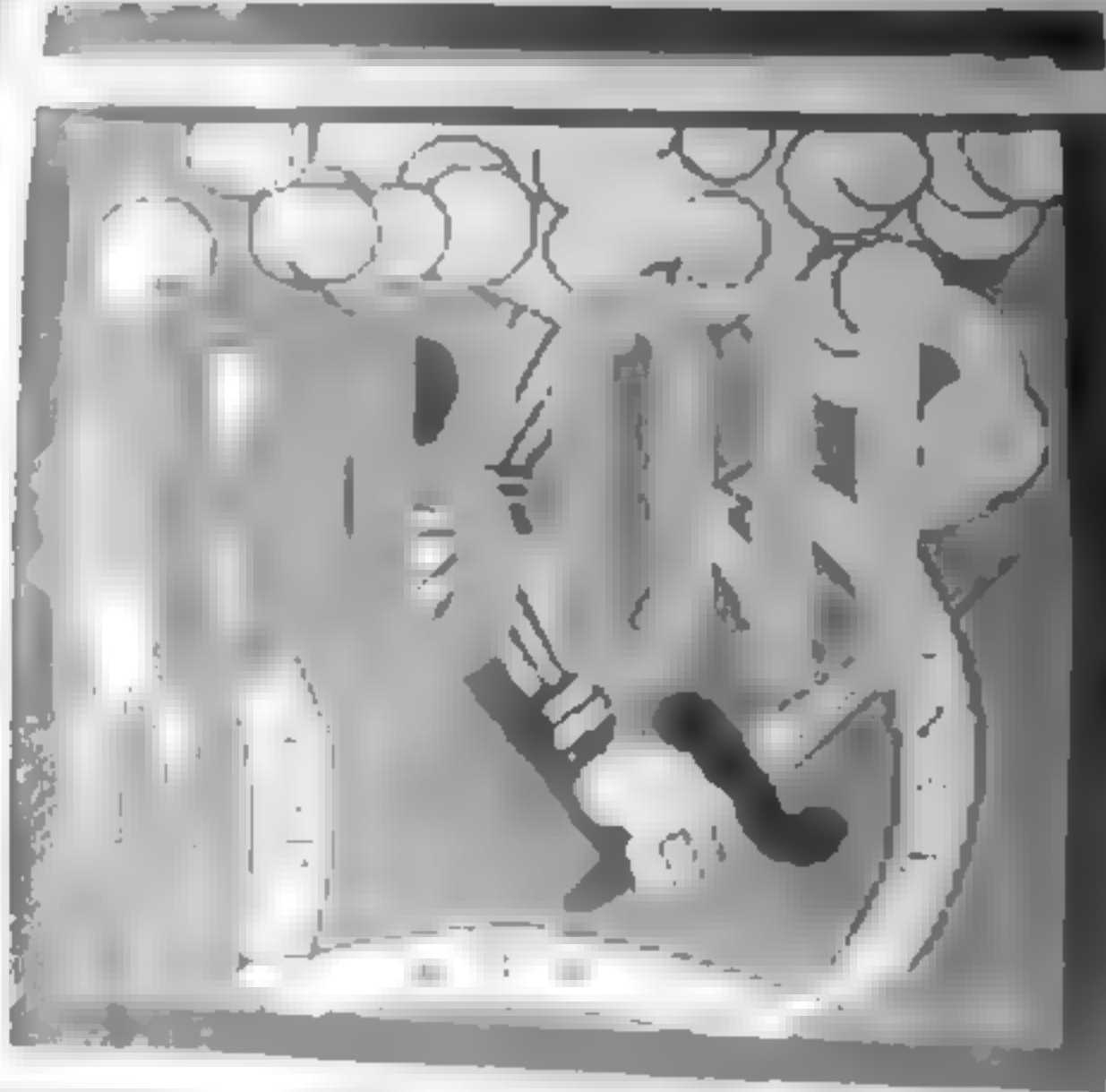
proclaim: 1. Incidents of this coccomatter

proclaim: 1. Incidents of this casematter aforesaid to be historically termed "The Great Mockery of Justice" as a political matter in the history of MY nation, The United States of America; and, 2. Both the "McCarthy Case" matter, of MY nation, and the "Profuma Affair" disposition according to one historical "Denning Report" (also a heretical mockery of jurisprudence and moral order within the political history of Great Britain) to be, effectively, overruled as Per Incuriam by the weight of the Looptank Insurrection Analysis, as authored by myself [Jacob (James E. Horton)] as malevolent and unlawful precedents which have "Endorsed Lawlessness."

Jacob (James E. Horton)

Executive Officer, Sole-practicing





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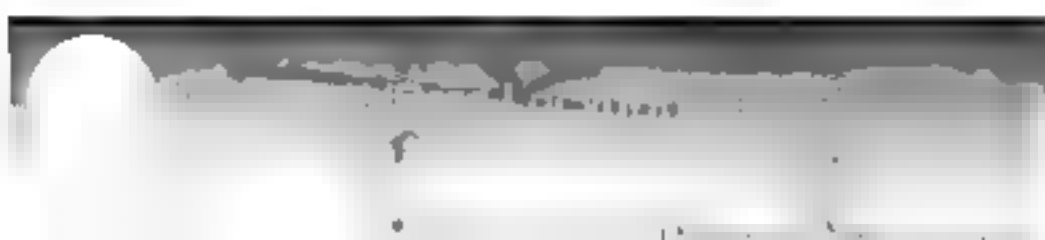
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This drawing is often titled in error as  
Harmas Horton. It is, in fact, actually of  
RONALD HORTON SMITH HORTON. He was  
a 1st great grandson of Harmas and the last  
Horton descendant to live in the house before it  
was torn down in 1978. It was included on a  
memorial drawing about Harmas Horton's  
house in Southold Long Island. The Horton  
Tree is seen on the jacket at bottom of picture.



*Canadian Herald*



COLLECTION OF THE STATE OF CALIFORNIA HISTORICAL SOCIETY



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I have detected incident of RICO tampering of records for Intellectual Property theft by malicious interference of storage at Internet Archive account of Looptank Culprits bizarrely coveting per Motives and Intents of the Looptank. Not fully explicable practicably, but item original did not display in catalogue for account. There has been redirection for claim of copyright obviously. This is fraudulent! I have reuploaded as restored item in account to maintain faithfulness of

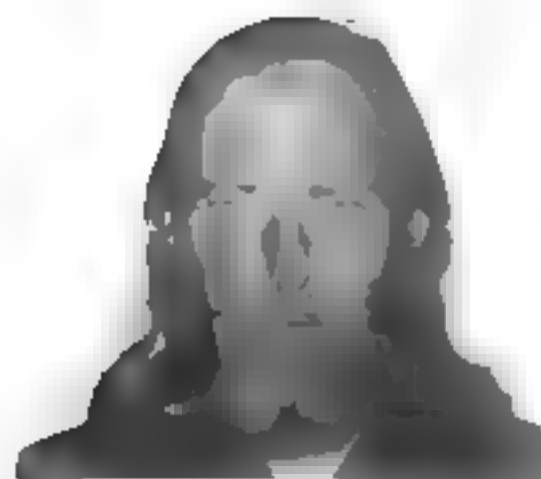
copyright ownership as intellectual property ownership. Parol Evidence, in parallel simultaneously, from Looptank Manifest Phenomena betrayed Personality Identity of Aberrant Nerd: Daniel Hauser [Of Horton, satanic genealogy terrorist faction group of Looptank Network hierarchy — my first paternal cousin allegly, but actually a nonhuman, humanoid unethical clone malfunctioned demon-possessed and under doppleganger operator control totally, as birthed without a soul, in family tree's Divination plot, to, as an operative, vindictively compete with, unconsentedly since I am too superiorly mature to care to meet his own fantasaical-minded intent on SMACK disreputably in guile pretensiously as, fool, Peter Gabriel's exploited and flattered fool , sabotage and damage myself, the central target, while, himself, being in service to false gods, as molech under satan, when David Hauser, married to Linda (both methhead

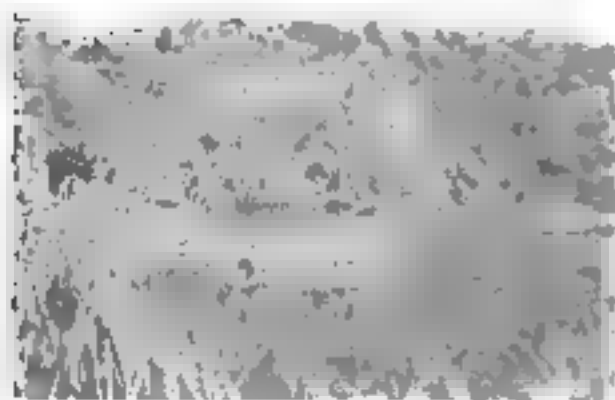
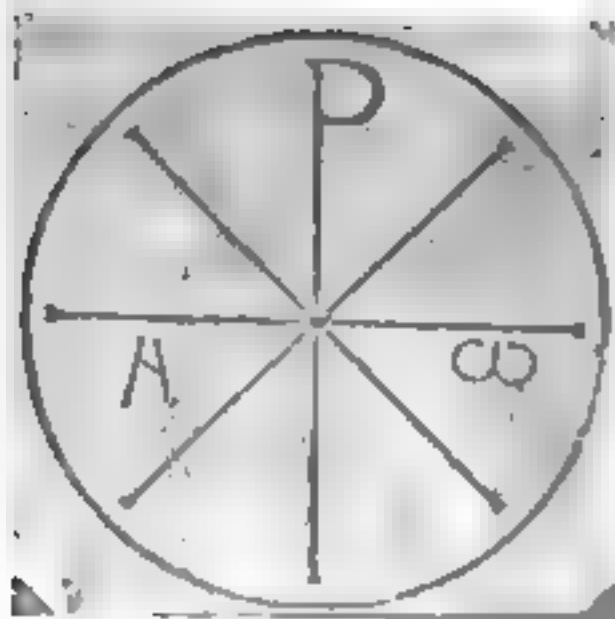
trafficking WHORES in infantile-minded, wishful thinking and evasive dreamlands), my biological father's sister, is a hawkish, right-wing stereotypical and complete nerd, mocked by Jim Henson as "Eagle" on the Muppet Show, when former is my disowned father's brother Gary's doppelganger, into family tree, exploited in Looptank Conspiracy, for perceived advantages in pact with false-promises, and whose influence has been destructive within federal agencies as conspicuously so with conduct of Rumsfeld and the DHS, a mennonite from Harrisburg, Pennsylvania ignorantly, with character propensity to be most despotic heretical cult-leader, when leader of Jonestown, for example, was his doppelganger operative, with obsession for control and practices S.M. hypocritically on his daughters — operates said Daniel on mindcontrol program and threatened my life (in 2007) while sitting in his car on visit for "blaspheming the Hortons"

preemptively as a soothsayer practicing  
wicked divination forbidden as  
Communicated Threat, "If you ever  
blaspheme the Hortons... I will kill you,"  
and since whole context of a long  
protracted and continual train of acts in  
Foul Play conspiracy of these servant's of  
the wicked one consistent, of their own  
perpetration and aggression most  
heinously severe ever, I have, positively,  
Just Cause and self-evident right, before  
the Lord Almighty, to Lethal self-defense  
and defense of lawful causes, with Excusory  
Defense against any accusation, to, not only  
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I ever see them! As such did Elijah!

Remember!]

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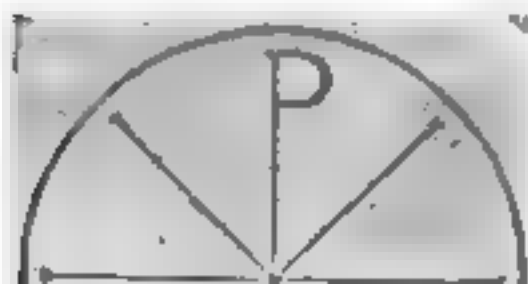
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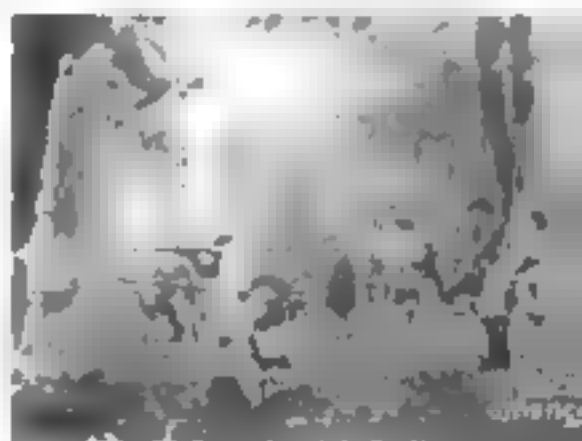
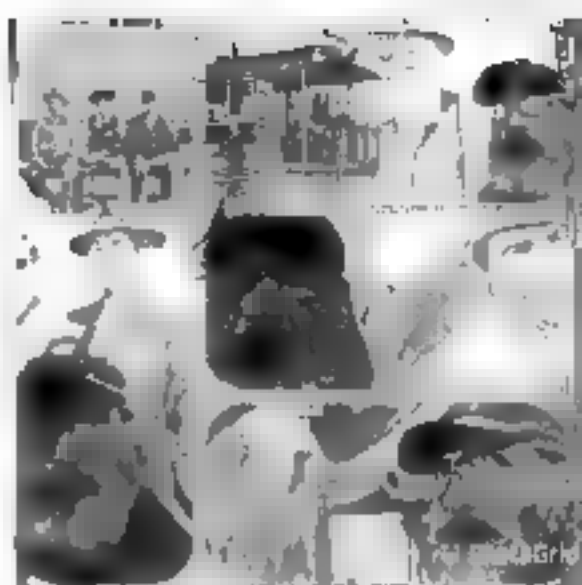
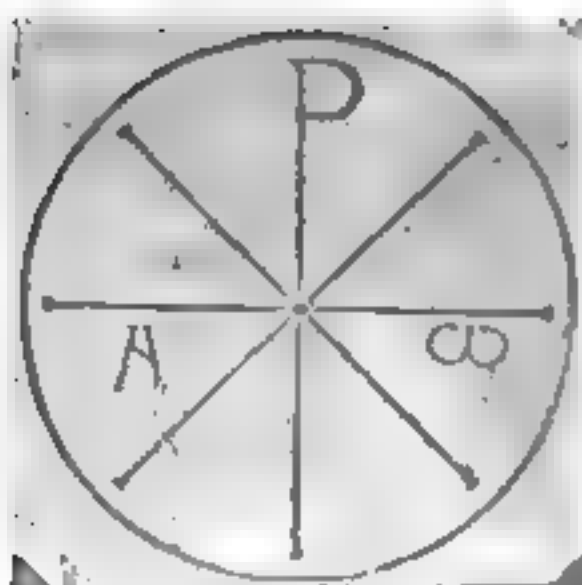
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[NOTE 08172021: Errors of Malfunctions caused by pernicious malicious interference of Illegal Electronic Espionage RICO violations of above Mockery of Justice section during composition and editing are too impracticable at time to repair at this time under impetuous harassments of process Format while editing with duplicated content due to malicious interference and interjecting typos Mushroom Wilgus.]

[08172021 Note: +[ALCSII IntlAnlyss]: Nomenclature: ... such interjected typos by... means = "MshrmWlgs Typos".]

[08172021 MlcsIntrsn Log/ALCIII] Intl Note:

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Yasmine, Brian Warner)... and all frequent  
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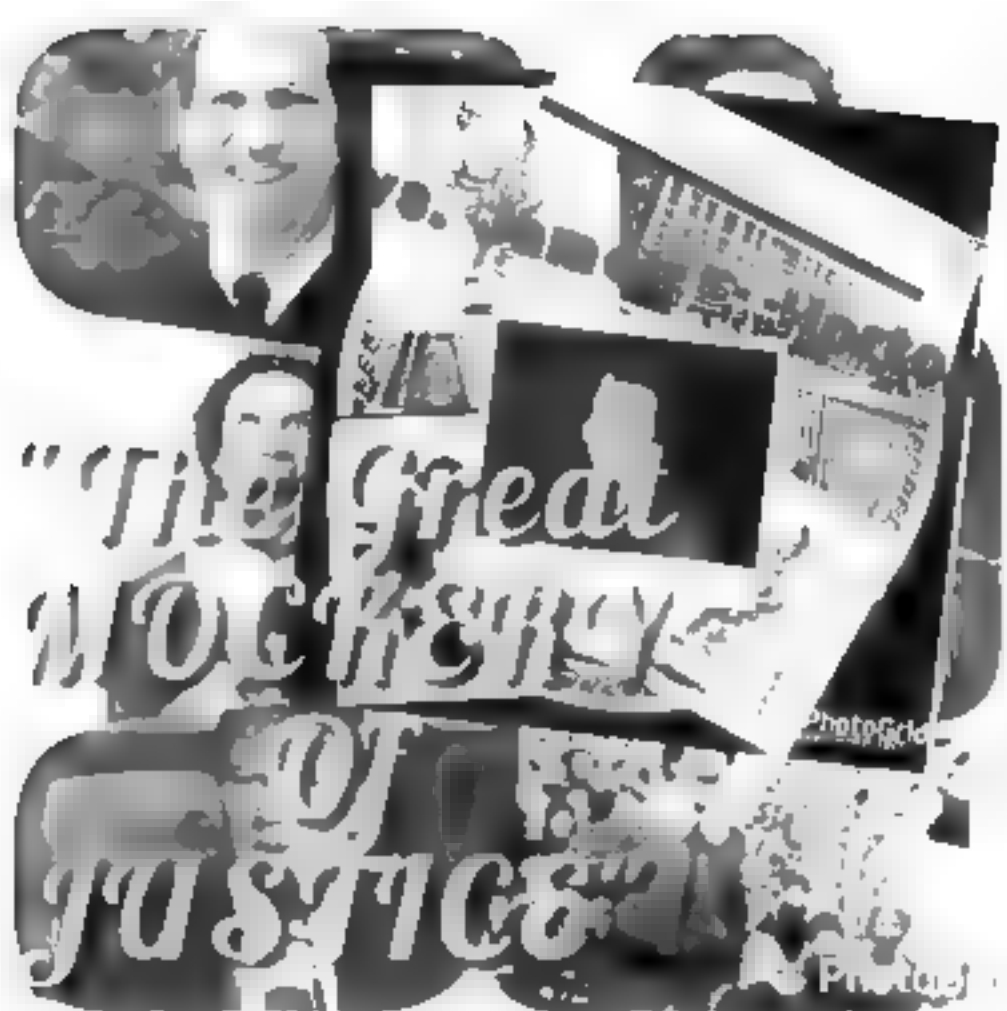
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Metropolitan News-Enterprise

Tuesday, October 19, 2010

Page 3

## Governor Schwarzenegger Appoints 12 to Superior Courts Around State

By STEVEN M. ELLIS, Staff Writer

Gov. Arnold Schwarzenegger yesterday

The governor named Assistant U.S. Attorney Ioana Petrou of the Northern District of California to the Alameda Superior Court and Contra Costa County Deputy Public Defender Christopher R. Bowen to the Contra Costa Superior Court, named Fresno Superior Court Commissioner Jonathan M. Skiles as a judge of that court, and appointed Bakersfield attorney Thomas S. Clark and Assistant Kern County Counsel Stephen D. Schuett to the Kern Superior Court.

He tapped Janesville attorney Michele Verderosa for the Lassen Superior Court, Monterey Superior Court legal research attorney Elisabeth K. Mineta to join that court, Carmichael attorney James P. Arguelles for the Sacramento Superior Court, and San Diego attorney Kenneth J. Medel for the San Diego Superior Court.

Schwarzenegger also appointed Santa Clara County Deputy District Attorney Javier Alcala and Superior Court Commissioner Deborah A. Ryan to the Santa Clara Superior Court, and named his deputy legal affairs secretary, Daniel P. Maguire, to the Yolo Superior Court.

### **Assistant U.S. Attorney**

Petrou, 42, has been an assistant U.S. attorney since 2004, and before that was counsel for O'Melveny and Myers and an assistant U.S. attorney in the Eastern District of New York. A Democrat, she joined the State Bar in 1994 after attending college and law school at UC Berkeley, and she previously practiced with Foley and Lardner and with Proskauer Rose.

Bowen, 42, has been a deputy public

defender since 1994, having been admitted to the State Bar the preceding year. He is a Democrat, and he graduated from Santa Clara University and the University of Virginia School of Law

Skiles, 48, became a court commissioner last year after serving in the Fresno County District Attorney's Office and in the Fresno City Attorney's Office. A Democrat, he attended California State University, Stanislaus and Santa Clara School of Law before joining the State Bar in 1995, and he previously practiced with Thoits Love Hershberger and McLean, and with Gray Carey Ware and Freidenrich.

Clark, 62, has been a senior partner for Arrache, Clark and Potter since 1985, and practiced with various incarnations of the firm for seven years before that. A Republican, he attended college and law

school at USC, and he joined Income Equities Corporation and then served as a deputy district attorney after he joined the State Bar in 1973.

Schuett, 57, has been with the Kern County Counsel's office since 1985, and was previously an associate attorney for Chain, Younger, Lemucchi, Noriega, Cohn, Stiles and Rodriguez after serving as associate counsel for City National Bank and for Pierson and Letteau. He is a Republican, and he joined the State Bar in 1979 after attending college and law school at UCLA.

### **Sole Practitioner**

Verderosa, 52, has been a sole practitioner since 2000, and before that served in the offices of both the Lassen and Sonoma district attorneys. A Republican, she joined the State Bar in 1996 after graduating from Santa Rosa Junior College and Empire College

Rosa Junior College and Empire College School of Law.

Mineta, 50, has served as a legal research attorney for the Monterey Superior Court since joining the State Bar in 1988, with the exception of a period from 1999 to 2005 when she was a sole practitioner.

Registered decline-to-state, she attended UC Berkeley and Santa Clara University School of Law.

Arguelles, 44, has been an attorney for Stevens, O'Connell and Jacobs since 2005 and a judge advocate general in the U.S. Army Reserve since 2002. Before that, he served in the U.S. Attorney's Office for the Eastern District of California and as an associate for Gibson, Dunn and Crutcher.

A Republican, Arguelles became a State Bar member in 1996 after graduating from the

U.S. Naval Academy and Harvard Law School. He also previously served as a law clerk to U.S. District Court Judge Marilyn L. Huff of the Southern District of California.

Medel, 56, has owned and been the principal attorney for The Medel Law Firm since 2001, and before that was a partner with Medel and Rawers, and with Ault, Deuprey, Jones and Gorman. A Democrat, he was also previously as a deputy district attorney in San Diego County, and he joined the State Bar in 1979 after attending UC Irvine and the University of San Diego School of Law.

Alcala, 57, has served in the Santa Clara County District Attorney's Office since he joined the State Bar in 1983. He attended college and law school at the University of Santa Clara, and is a Republican.

Republican.

## **Court Commissioner**

Ryan, 57, has served as a court commissioner since 1999, and before that served as counsel for the Santa Clara Valley Transportation Authority and in the Santa Clara County Counsel's Office. She also previously served as project coordinator for the Comprehensive Adjudication of Drug Arrestees program for the Santa Clara County Executive Office and as a deputy public defender.

A Democrat, Ryan graduated from UC Davis and Santa Clara University School of Law before joining the State Bar in 1977.

Maguire, 43, has been Schwarzenegger's deputy legal affairs secretary since 2005, and was a sole practitioner for four years before that. He also previously practiced

with Orrick Herrington and Sutcliffe and  
with Holme Roberts and Owen, and  
served as a law clerk for Ninth U.S. Circuit  
Court of Appeals Judge Andrew Kleinfeld.

Maguire is a Republican, and he joined  
the State Bar in 1997 after attending  
Stanford and Harvard Law School.

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recording industry, Kelly Deal, Cosa Nostra  
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(MtvInt) = "... hostile takeover of BBOIP  
COMM" in agenda = "monopolize...  
Control all media..." hostile to media  
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